



Citizens' Guide to IDEM

AN INTRODUCTION TO IDEM'S PROCEDURES FOR ISSUING ENVIRONMENTAL PERMITS, OVERSEEING CLEANUPS, PREPARING ENVIRONMENTAL REPORTS AND PLANS, AND WRITING ENVIRONMENTAL RULES

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Introduction

The Indiana Department of Environmental Management (IDEM) was created in 1986 by Indiana lawmakers. It is Indiana's environmental agency. Its authority comes from regulations established by the federal government and the State of Indiana.

State environmental laws and rules authorize IDEM to carry out certain environmental programs and provide oversight for certain regulated activities. The United States Environmental Protection Agency (U.S. EPA) has authorized IDEM to carry out certain programs under federal regulations enacted by the U.S. Congress. IDEM's various branches and sections oversee numerous types of public and private operations and activities that have the potential to affect the quality of Indiana's air, land and water.

Environmental regulations are technical and extensive. Many projects involve extensive planning and development on the part of companies before submitting an environmental permit application to IDEM. Environmental consultants often assist companies with permit applications. Once an application is received, environmental permits can take several months to develop. Permit managers often work with professional engineers, licensed professional geologists and trained chemists in their work to arrive at a final decision.

The processes for investigating environmental contamination, planning remediation projects, and overseeing cleanup activities are complex and lengthy. The parties who are responsible for addressing contamination commonly hire professional environmental consultants to manage necessary cleanup projects. Once contamination is reported or discovered, IDEM project managers work with professional engineers, licensed professional geologists and trained chemists to ensure the protection of public health and the environment.

The compilation of reports and planning documents involves the collection, review and interpretation of extensive environmental data. In addition to research, the development of rules often involves close coordination with multiple public sectors that will be affected by new regulations.

Air quality is the cleanest it has been since states began monitoring pollutants in the 1970s. Samples taken from Hoosier rivers and streams show the quality of our watersheds is improving. Contamination has been addressed at hundreds of sites across the state. The participation of citizens in IDEM's decision-making processes will help ensure continued progress.

The Citizens' Guide to IDEM is designed to be an introduction to IDEM's permitting and remediation program. It describes the most basic processes once IDEM receives a permit application, becomes aware of a contaminated site, or is directed by law to develop a rule. Indiana citizens, municipalities, and industries have worked hard to improve Indiana's environment.

For citizens who wish to learn more, links are provided throughout the guide, and additional resources and contact information are provided in Part 6: More Information. Citizens are

encouraged to explore IDEM's website and contact IDEM staff with questions about specific issues.

Part 1: Public Participation Information

The Indiana Department of Environmental Management (IDEM) encourages participation in the rulemaking and permitting processes. IDEM issues notice to the public when citizen participation is required or sought concerning agency actions. Examples include projects requiring an environmental permit, rules being considered by Indiana's Environmental Rules Board, and environmental studies or reports available for public comment. One of the most important parts of participating is knowing about all the ways to get involved. Whether it is understanding a public notice, knowing how to submit public comment, or filing a formal appeal, being prepared is vital to successful interaction with IDEM.

IDEM Practices

Following are summaries of IDEM's practices to actively seek citizen input, ensure meaningful involvement, and respond to citizen concerns during the decision-making process.

Public Notices

A public notice is an announcement to the public required by law. The purpose is to announce a proposed activity to the public living in the affected area and allow for the public to comment on the action. In some cases, the regulated entity (a person, business, or governmental agency) is required to post the legal public notice.

IDEM issues public notices in several ways: by mail or e-mail to interested and/or affected parties, on its Website, or publication in the legal notice section of the local paper that serves the area affected by the activity being considered.

Information included in public notices may include:

- The name of the person, business, or unit of local government seeking approval;
- A description of the project or activity for which approval is being sought;
- A description of the type of approval being sought (for example, the type of environmental permit being sought, a rule that is being developed or proposed, or an environmental study or report available for public comment);
- The location of the proposed project or affected area;
- The beginning and end dates of a formal public comment period (usually 30 days), during which time persons may submit comments or concerns regarding the proposed project or activity;
- Where the public can find additional information or review public documents;
- Instructions for requesting a public hearing;
- Mailing address for submitting written public comments;
- If IDEM has scheduled a public hearing or public meeting concerning the proposed project or activity, the location, date, and time; and,
- Contact information for a person at IDEM who will be available to help answer questions and provide additional information to persons requesting it.

Public Comment

Prior to making final decisions about certain permits or actions, state law requires IDEM to provide time for the public to submit written comments. Where public comment is required, the timeframe for submitting public comments and the address are included in public notices.

Public Hearings

The purpose of a formal IDEM hearing is to allow citizens to speak, on the record, about a proposed permit. Where a public hearing is determined to be appropriate, IDEM will announce the time, date and location through a public notice. The agency works to schedule public hearings at convenient times and locations for the residents who are affected by the matter. Official transcripts of public hearings are included in the public record on permit decisions. IDEM often precedes its public hearings with informal meetings and/or presentations, to ensure citizens receive useful information and have an opportunity to talk directly with IDEM staff.

Public Meetings

Where IDEM is aware of significant public interest or concern about a permit application, cleanup site, or other environmental issue, the agency may arrange a public meeting. IDEM staff typically present information on the topic of interest, and answer questions from the public. In some cases, IDEM may host an open house style meeting, where the public can view displays and talk one-on-one with staff members. The agency works to arrange public meetings at convenient times and locations for residents who are affected by the matter. Notification is usually done through letters or e-mails to potentially affected or interested parties. Meetings are not formal proceedings, and no transcript is produced.

Notice of Decision

When IDEM reaches a final decision on a permit, it will issue a Notice of Decision, or “NOD.” A Notice of Decision provides information about where to view the final decision documents, including a permit, if issued, and how to petition for an administrative appeal of IDEM's decision.

Response to Comments

IDEM will prepare a response to public comments and make it available when it issues a final decision.

Find and/or Receive Public Notices from IDEM

IDEM works in many ways to keep the public informed about activities. In addition to arranging for public notices in local newspapers, IDEM mails and e-mails information to interested parties, posts information on its website, and issues news releases about upcoming events. Following are additional ways to monitor agency activities.

Visit the [IDEM Public Notice Web page](#) for public notices about comment periods, meetings and hearings on permits and rulemakings.

Sign up for IDEM Mailing lists:

- The Office of Air Quality (OAQ) maintains a mailing list of people who have asked to be notified of permit activity. You can request to be notified of permit actions for a specific

source, or for all permit activity in a certain county. To be put on the air permits mailing list, call the Office of Air Quality Permits Administration Section at (800) 451-6027, ext. 3-0178. Visit the [Office of Air Quality Public Participation Web page](#) to learn more.

- The IDEM Office of Water Quality (OWQ) maintains a mailing list of people who have asked to be notified of permit activity. You can request to be notified of permit actions for a specific source, or for all permit decisions issued by IDEM's Office of Water Quality Permits Branch. To be placed on the wastewater permits mailing list, contact the OWQ Public Notice Coordinator at divey@idem.IN.gov or (317) 232-8760.

Subscribe to electronic notifications:

- Find IDEM events and news releases through the [IN.gov News and Events Calendar](#).
- Subscribe to e-mail updates on a variety of topics through the [IN.gov Account Center](#).

Petitioning for Administrative Review

Perhaps you submitted written comments about a proposed project to IDEM, attended an IDEM public meeting or hearing, or simply received notification about a final permit decision. In any case, as a member of the public, you have a right to appeal a decision that you believe will negatively impact you. Filing an appeal is formally known as filing a "Petition for Administrative Review" to request an "administrative hearing."

Petitions for Administrative Review must be filed with the Office of Environmental Adjudication (OEA). OEA was created in 1995 to provide a forum for impartial review of IDEM decisions. Originally, OEA was part of IDEM, but it was later made a separate agency to assure the impartiality of the Environmental Law Judges.

OEA functions as the first level of the court process to weigh evidence and apply the specific laws as to whether IDEM correctly made a particular decision. A case before OEA proceeds in ways similar to how cases might be heard by a judge in a county court. OEA oversees all proceedings, and provides notices of any prehearing conferences, preliminary hearings, hearings, "stays," or orders disposing of the review of the decision.

Persons who file an appeal should not expect to discuss the details of their case with OEA, other than in a formal setting such as a pre-hearing conference, a formal hearing, or a settlement conference. The OEA is not allowed to discuss a case without all sides being present. All parties to the proceeding are expected to appear at the initial pre-hearing conference.

At the final hearing, the parties present evidence and call and cross-examine witnesses, in a manner similar as is done in a non-jury civil trial. Following the close of the hearing, the environmental law judge (ELJ) will issue *Findings of Fact and Conclusions of Law*. The ELJ is the ultimate authority on the matter and those findings are final unless one of the parties to the action seeks judicial review of the decision under IC 4-21.5- 5.

The laws governing this process can be found in the Administrative Procedures and Orders Act in the Indiana Code, IC 4-21.5-3. In addition, OEA has passed rules regarding its procedure. These rules can be found at in the Indiana Administrative Code at 315 IAC 1. Laws about the

establishment and operation of OEA can be found at IC 4-21.5-7. In the event that any information in this guide conflicts with the laws or regulations, the laws or regulations will control.

You can find the laws and regulations in the following places. Local county courthouses have a law library and the laws and regulations should be available there. Also, you can find them on the Internet. There are links to the Indiana Code (the laws), Indiana Administrative Code (the rules) and the IDEM's web page from OEA's web page at www.in.gov/oea. You can find previous decisions made by the ELJs on the OEA's web page by clicking on the [Decisions](#). You also can find the laws and rules on the Indiana General Assembly's web page at www.in.gov/legislative/ic_iac/.

IDEM permit decisions are typically described in a Notice of Decision. Notice of Decisions contain instructions for filing an appeal. Appeals must be submitted in writing. There are no standard forms to fill out and submit, so you must state your case in a letter (called a petition for administrative review) to the [Indiana Office of Environmental Adjudication](#) (OEA). It will be up to you to demonstrate in your appeal how you are directly impacted in a negative way by the decision.

Filing an appeal is formally known as filing a "Petition for Administrative Review" to request an "administrative hearing." Individuals who file an appeal must include their name and address, and their interest in the decision, or the name, address and interest of a person they are representing. A copy of the IDEM Notice of Decision or the permit number and name of the applicant, or responsible party, should be included with the letter.

The OEA does not charge a fee for filing documents for an administrative review or for the use of its hearing facilities. Because it is a legal proceeding, the Office of Environmental Adjudication advises consulting with an attorney, which may or may not result in costs to the party filing the appeal.

The due date for filing an appeal will be explained in the IDEM Notice of Decision; generally appeals must be filed within 18 days of the mailing date of the Notice of Decision. To ensure you submit your appeal within the timeframe required, you may want to hand deliver it to the Office of Environmental Adjudication; have a private carrier deliver it on your behalf and get a receipt; ensure it is postmarked no later than midnight of the 18th day; or fax it to the Office of Environmental Adjudication at (317) 233-0851 before the close of business on the 18th day and follow-up the fax with a prompt delivery of the original paperwork.

Appeals should be mailed or hand-delivered to:

Office of Environmental Adjudication
100 N. Senate Avenue IGCN N501
Indianapolis, IN 46204

For more information about the appeals process, or a specific case, visit the [Office of Environmental Adjudication website](#) or contact OEA at (317) 232-8591.

IDEM permits staff remain available at all times to answer technical questions about agency permit decisions. IDEM Notice of Decisions contain the name and contact information for IDEM staff.

Part 2: Environmental Permits

IDEM permits are legal documents that hold companies and individuals accountable for complying with environmental regulations. Permits contain information about how a facility must control pollutants, monitor operations, submit reports to IDEM, plan for and respond to emergencies, and train employees. Permits specify renewal requirements. Where a facility expands or makes changes to its processes, it is required to make sure the permit is modified accordingly.

IDEM issues permits to ensure that air pollution is controlled, solid and hazardous wastes are properly managed, sewer systems are installed correctly, wastewater is treated effectively, manure is properly managed, storm water is managed and monitored, wetlands and waterways are protected, and public water supply systems meet safe drinking water standards.

IDEM permits do not supersede other permits that may be required by other federal, state or local agencies. For example, an air permit issued by IDEM for the construction and operation of a new manufacturing facility will not take the place of, or waive the need for, zoning approval that a city or county may require.

Following is a listing of the permits issued by IDEM. The summaries generally focus on procedures and public participation requirements for new permits. Timelines and public participation requirements may vary for renewal permit applications, permit modifications and other administrative procedures. Citizens should contact staff with any questions about specific permits

The *Citizens' Guide to IDEM* is designed to introduce citizens to IDEM and its programs. Questions concerning specific permits or sites should be directed to IDEM permit managers and project managers.

The guide is not intended as regulatory guidance. Citizens, facility owners, and facility operators who are responsible for complying with environmental regulations should consult the staff of IDEM's regulatory programs concerning permit requirements, compliance issues, and guidance on environmental remediation. Confidential assistance may be obtained through [IDEM's Office of Compliance and Technical Assistance](#) at (800) 988-7901 or (317) 232-8172.

Air - Introduction

Air permits are issued to reduce and control emissions of harmful gasses or fine particles. The permit thresholds are based on annual potential to emit. The permit thresholds are in tons per year. The Emissions Table, below, provides a further breakdown on the permit thresholds. These are the air pollutants that must be controlled:

- Criteria air pollutants. There are six criteria air pollutants, and they include volatile organic compounds (VOCs); particulate matter (PM); carbon monoxide (CO); lead (Pb); nitrogen oxides (NO_x); sulfur dioxide (SO₂).
- Hazardous air pollutants. These are substances that can cause cancer or other ill health effects. U.S. EPA has identified 189 specific compounds or categories of compounds that are of concern, based on risk assessments. They are listed in Title 3 of the federal Clean Air Act Amendments of 1990.

- Greenhouse gasses. The main greenhouse gasses are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydro fluorocarbons, per fluorocarbons, and sulfur hexafluoride (SF₆).

The type (or level) of air permit that is required, and the conditions and terms a facility must comply with, are based on the facility's potential to emit, or PTE. The PTE is arrived at through mathematical calculations, based on the amount of emissions that would be generated if the facility were to operate 24 hours a day, 365 days a year. PTE calculations are carefully reviewed by IDEM technical staff.

Following are descriptions of the types (levels) of permits and authorizations IDEM issues for air pollution control.

Air Construction Permits

Most new facilities requiring an air permit to operate must obtain a separate approval to construct. The construction permit process enables IDEM to determine what, if any, restrictions are necessary to address potential air quality impacts from a new source of air emissions. It is common for IDEM to combine new construction approvals with new operating permits in a single document. In other words, IDEM will typically process the construction permit for a new facility in conjunction with the operating permit that is required.

New Source Review (NSR)

New Source Review is a term for the construction permit process. New Source Review is the process of looking at air quality where a new facility is being proposed and determining what, if any restrictions, are necessary to address potential air quality impacts.

Prevention of Significant Deterioration (PSD)

Prevention of Significant Deterioration is the type of New Source Review that IDEM conducts for new, large sources of air emissions or large modifications to large sources that are proposed in areas where air quality does not attain the national standard for one or more of the criteria air pollutants.

Emission Offset (EO)

Emission Offset is the type of New Source Review that IDEM conducts for new, large sources of air emissions or large modifications to large sources of air emissions that are proposed in areas where air quality does not attain the national standard for one or more of the criteria air pollutants. The Emission Offset Review will only cover those pollutants that do not attain the national standards. If the source is a large source of emissions for pollutants that attain, those pollutants will be reviewed under PSD.

Air Operating Permits

Air operating permits contain emissions limits, monitoring and record keeping requirements, and reporting requirements. The three types of air operating permits issued by IDEM are Title V Operating Permits, FESOPs, and MSOPs.

Title V Operating Permits

Title V Operation Permits are typically issued for very large, complex processes that have a high level of potential emissions. The Title V PTE thresholds are listed in the Emissions Table, provided further below.

Title V permits are also called “Part 70 Operating Permits,” in reference to a part in the federal regulations (40 CFR 70) that contains the standards for state permitting programs. The process to issue a Title V Operating Permit is also complex. IDEM will issue a preliminary permit document for the public to review prior to making a final decision. The U.S. EPA will be actively involved in reviewing permit requirements proposed by IDEM. IDEM is not allowed to make a final decision that does not meet with U.S. EPA’s approval. Title V Operating Permits are renewed every five years.

Steps in the Title V Operating Permit Process:

- Applicant submits application to IDEM.
- Applicant places a copy of the application in a local library within ten (10) days of submitting the application.
- If permit requires Public Notice, IDEM notifies local officials about receipt of application; begins reviewing calculations and working to write a permit.
- IDEM makes preliminary (or draft) permit available for public review for a minimum 30-day comment period. IDEM will also provide a copy of the preliminary (or draft) permit to U.S. EPA for a minimum 45-day federal review period. U.S. EPA may begin the federal review period for the preliminary (draft) permit concurrent with the public comment period.
 - IDEM may schedule a public hearing at its discretion. If IDEM does not automatically schedule a hearing, a citizen may request one (which IDEM may hold, at its discretion).
 - The time, date and location of IDEM public hearings for Title V permits must be announced at least 30 days in advance of the event. The public comment period may be extended accordingly, in cases where a hearing was requested following the announcement of the 30-day public comment period.
- Following the close of the public comment period, IDEM will review public comments and work to finalize its decision on the terms and conditions of the permit. IDEM will prepare a document to detail what, if any, changes were made based on comments received. This response to comments will be included with the final documents, and will be made available for the public.
- IDEM will propose a final permit to U.S. EPA.
- IDEM may finalize its decision if U.S. EPA has not raised any objections to the proposed permit within the time period for federal review, which is 45 days. The start of the 45 day federal review period depends on whether there are changes made to the preliminary permit.
 - The federal review period will conclude on the date IDEM issues the proposed permit to U.S. EPA if more than 45 days have passed, IDEM has not made any changes to the preliminary permit, and U.S. EPA has not raised objections.
 - The federal review period will conclude in 45 days from the date of the proposed permit if IDEM made changes to the preliminary permit and U.S. EPA has not raised objections.

- In both cases, anyone who objects to the U.S. EPA's final action on the IDEM proposed permit is allowed 60 days after the close of the U.S. EPA review period to petition U.S. EPA for a review.
- When IDEM finalizes its decision, it will send a Notice of Decision to the applicant, adjacent property owners, individuals who commented on the preliminary permit, and others who requested notification. For anyone who objects to the final decision, the Notice of Decision will include instructions for filing an appeal with the Indiana Office of Environmental Adjudication.

IDEM has 270 days to issue a final decision about new PSD major Title V Operating Permits. IDEM has 120 days to issue a final decision about new PSD minor Title V Operating Permits.

FESOPs

A Federally Enforceable State Operating Permit, or FESOP (pronounced fee-sop), is a type of permit issued to facilities whose PTE is below Title V thresholds as a result of limits placed on the facility's potential to emit. The facility may use a combination of controls and limits hours of operation or through-put. FESOP permits specify the operational limits a facility will implement in order to reduce PTE to levels under Title V thresholds. The initial FESOP issued to a facility must be renewed within five years, and then every 10 years thereafter.

MSOPs

A Minor State Operating Permit, or MSOP (pronounced em-sop), is the type of permit IDEM issues to facilities whose PTE, without limits, is below Title V thresholds (see the Emissions Table, provided further below). The initial MSOP issued for a facility must be renewed within five years, and then every 10 years thereafter.

Steps in the FESOP and MSOP Process:

- Applicant submits application to IDEM.
- IDEM notifies local officials, begins reviewing calculations and working to write a preliminary permit.
- IDEM completes preliminary permit, makes it available for public review, and announces the beginning of a minimum 30-day public comment period.
- IDEM may hold a public hearing during the comment period, at its discretion, depending on public interest. If a public hearing is held, it will be scheduled at a convenient time and location for affected residents.
- When the public comment ends, IDEM will review and prepare a summary response, which will be made available, along with all final documents, when it reaches a final decision.
- IDEM will issue a final decision to approve or deny a permit, send a Notice of Decision to the applicant, adjacent property owners, individuals who commented on the preliminary permit, and others who requested notification. The Notice of Decision will include information about the 18 day timeframe for appeal, and include instructions for submitting a petition for appeal to the Indiana Office of Environmental Adjudication.

IDEM is allowed 120 days to issue a decision on new PSD minor MSOP permits and 120 days to issue a final decision on a new PSD minor FESOP permit.

Exemptions

Facilities whose PTE is below the thresholds for a registration (Table 1) are exempt from getting a permit. They may construct and operate without IDEM approval. Some facilities choose to have IDEM review their calculations, however, and in these cases, IDEM will issue a letter of exemption. The letter will contain information about the facility's operations, the calculations the review is based on, and the conditions the facility must meet to remain in compliance with air regulations. Just because a source is exempt from Air Permitting does not mean the source is exempt from all Air Regulations. IDEM works to review exemption requests within 60 days. Public comment is not required.

Interim Construction Permits

Permitted facilities that are planning to change their operations may be eligible for an Interim Construction Permit. This type of permit will allow them to begin their project, at their own risk, while their operating permit is being revised, or modified.

Public Comment Requirements:

For projects involving significant modifications, a 14-day public comment period is required. Applicants are responsible for the public notice. IDEM must act on the application within 17 days of the publication of the public notice if no comments are submitted, and within 31 days if comments are submitted. IDEM will mail notification of the final decision to all parties who have asked to be notified about proposed activities in the given county.

For projects involving minor modifications, public comment is not required. IDEM will mail notification of the final decision to all parties who have asked to be notified.

Interim permits are issued in limited circumstances. They are not an option for major modifications in areas where air quality does not meet federal air health standards.

Permit By Rule (General Permits)

Certain types of small businesses may be eligible to operate under a low level authorization known as a "Permit By Rule." Examples are grain elevators, grain milling operations and gasoline dispensing operations, whose compliance requirements are basic and sufficiently covered in state rules.

Facilities that have already obtained an MSOP, a FESOP, or a Title V Operating Permit can transition to a Permit By Rule authorization by providing 12 months of emissions records showing that their actual emissions are below 20 percent of Title V thresholds (refer to the Emissions Table, below). IDEM reviews applications and makes its decisions within 60 to 120 days.

Public comment is not required for a Permit By Rule, and Permit By Rules cannot be appealed. IDEM will send a Notice of Decision to local government officials and the county health department.

Permit By Rule authorizations remain in effect indefinitely, provided the facility does not change the way it operates or add additional emission units that would change the applicability of these rules. Changes in operations may result in a need for the facility to obtain an operating permit instead.

Source Specific Operating Agreements (SSOAs)

Certain types of small businesses may be eligible to operate under a low level authorization known as a Source Specific Operating Agreement, or SSOA. Facilities that would need to obtain an MSOP, a FESOP, or a Title V Operating Permit can get a SSOA. A SSOA authorization is also referred to as a General Permit. The SSOA includes limits on the source's potential to emit.

If a SSOA has limited potential to emit (PTE) equal to or greater than twenty-five (25) tons per year, IDEM will make the preliminary (or draft) SSOA available for public review for a minimum 30-day comment period.

If a SSOA has limited potential to emit (PTE) less than twenty-five (25) tons per year, IDEM is not required to have a public comment period.

If approved, IDEM will issue an approval document that identifies operating, monitoring, testing, record keeping and reporting requirements necessary for ensuring compliance with state rules. IDEM reviews applications and makes its decisions within 60 days, if no comment period, or 120 days, if there is a comment period.

Parties who object to a final decision have the right to file a formal appeal. IDEM will send a Notice of Decision (NOD) by mail to all parties who have asked to be notified. The NOD will include instructions for filing a formal appeal.

SSOA authorizations remain in effect indefinitely, provided the facility does not change the way it operates or add additional emission units that would change the applicability of these rules. Changes in operations may result in a need for the facility to obtain an operating permit instead.

Portable Source Permits

Portable source permits are often sought for stationary sources that can be relocated. (This is not the same as a mobile source, which emits while in transit.) Examples include concrete batch mixer plants or asphalt plants. Having a portable source permit enables a business to use the same operating permit at any location it may move to in the state.

In obtaining the required air operating permit (such as an MSOP or FESOP), a business may request that it be a "portable" permit. Before relocating a permitted operation, the company must

request approval from IDEM. IDEM will review the request to ensure the permit conditions are appropriate for the new location.

When it makes a final determination, IDEM will send a Notice of Decision (NOD) to the applicant and affected and/or interested parties. The NOD will include instructions for filing a formal appeal.

Program for Acid Rain

Indiana, like all states, has an acid rain program to reduce the amount of sulfur dioxide (SO₂) and nitrogen oxide (NO_x) emissions to the atmosphere. These two pollutants affect the pH of rain, sleet and snow, resulting in increased acidity. IDEM issues acid rain permits in coordination with Title V Operating Permits—the expiration dates are the same, and one renewal can be issued to cover both permitting requirements. *Please refer to the permitting process for Title V Operating Permits.*

Registrations

Facilities with a PTE within the registration thresholds (see the Emissions Table) are eligible for this type of approval from IDEM. A registration typically contains general information about the facility being permitted, the emission units and pollution control equipment being used, and conditions the facility must meet to remain in compliance with the registration and air regulations. The document also includes calculations that support IDEM's determination to issue a registration.

IDEM has 60 days to issue a new registration, and 45 days to issue a revision. Public comment is not required.

Open Burning Approvals

While IDEM never advises open burning, sometimes it is a viable alternative for managing a large quantity of clean wood waste. Examples include the use of an air curtain destructor to manage brush that is cleared during a road project; the open burning of large amounts of debris following a natural disaster such as a tornado; fire training activities; and prescribed burns for preserving natural habitat are. An approval must be obtained from IDEM prior to commencing any of these activities.

Anyone who submits an open burning application is required to include a list of potentially affected persons. This includes adjacent land owners and those who own or rent property within five hundred (500) feet of the proposed burn site. Public comment is not required. When IDEM finalizes its decision on the open burning application, it will send a Notice of Decision to the applicant and everyone on the list of potentially affected persons. If there are more than fifteen (15) potentially affected persons, a public notice will be issued. For anyone who objects to the final decision, the Notice of Decision will include instructions for filing an appeal with the Indiana Office of Environmental Adjudication.

Emissions Table

Pollutants	Registration	MSOP or FESOP	Title V
(VOCs) - air pollution control equipment not required to comply with VOC emission rules (tons per year)	≥ 10 and < 25		
(VOCs) - air pollution control equipment required to comply with the VOC emission rules (tons per year)	≥ 5 and < 25		
VOCs (tons per year)		≥25 and < 100	100* or more
(NO _x) Nitrogen dioxide and oxides of nitrogen (tons per year)	≥10 and < 25	≥25 and < 100	100 or more
Carbon Monoxide (CO) (tons per year)	≥25 and <100	<100	100 or more
Sulfur dioxide (SO ₂) (tons per year)	≥10 and <25	≥25 and <100	100 or more
Particulate Matter(tons per year)	≥5 and <25	≥25 and < 100	
(PM ₁₀) Particulate matter less than 10 microns (tons per year)	≥5 and <25	≥25 and < 100	100 or more
PM _{2.5} (Particulate matter smaller than 2.5 microns) (tons per year)	≥5 and <25	≥25 and < 100	100 or more
Lead (Pb) (tons per year) **	≥0.2 (400 pounds) and <5	≥5 and <100	100 or more
Fluorides (tons per year)***	≥5 and <25	≥25 and < 100	100 or more
Hydrogen Sulfide (tons per year)	≥5 and <25	≥5 and < 25	25 or more
Total Reduced Sulfur (tons per year)	≥5 and <25	≥5 and < 100	100 or more
Reduced Sulfur Compounds (tons per year)	≥5 and <25	≥ 5 and < 100	100 or more
A single Hazardous Air Pollutant (HAP) (tons per year)	<10	<10	10 or more
A combination of two or more Hazardous Air Pollutants (HAPs) (tons per year)	< 25	<25	25 or more
Greenhouse gases (GHGs) (tons per year as CO ₂ e) <ul style="list-style-type: none"> Carbon Dioxide (CO₂) Methane (CH₄) Nitrous Oxide (N₂O) Sulfur Hexafluoride (SF₆) Hydro fluorocarbons (HFCs) Per fluorocarbons (PFCs) 			100,000 or more

*≥25 TPY in severe nonattainment areas, but Indiana doesn't have any severe nonattainment.

**Secondary Lead Smelters are required to have a Title V permit by 40 CFR 63 Subpart X. This threshold is for element lead. Lead compounds are a HAP and subject to the 10 ton per year threshold.

*** Specific Fluoride compounds are listed as HAPs. Those compounds are subject to the 10 and 25 ton per year thresholds.

More information: [IDEM's Air Permit Programs Overview Web page](#) and the [Air Quality section of the IDEM Permit Guide](#).

Asbestos

Indiana does not have a permitting program for asbestos. However, all facilities (except residential buildings that have four or fewer dwelling units) must be inspected by an Indiana licensed asbestos inspector prior to the demolition or renovation. Even if no asbestos is present in the facility, IDEM must receive notification of demolition or renovation. The requirements for removal, asbestos abatement and demolition notification are posted on IDEM's [Asbestos Compliance Web page](#) and IDEM's [Asbestos Waste Handling Requirements Web page](#).

Waste - Introduction

State and federal laws contain strict standards for handling, processing and disposing of household, municipal, commercial, and industrial waste. Waste material is categorized as a solid waste or a hazardous waste. Here are brief descriptions.

- Solid waste includes the trash from our homes and businesses, unwanted building debris from construction and demolition projects, and non-hazardous waste from industrial operations, commercial activities, or cleanup sites. Solid waste can be a solid, a liquid or a contained gas that is discarded, abandoned, or recycled. Today, solid waste landfills are constructed and operated according to stringent standards. Waste processors must follow strict rules. Oversight is provided at composting operations, waste tire facilities, and facilities that collect and process household hazardous waste, electronic waste, and use waste materials as fuel. Oversight is also provided to ensure manure from livestock operations is managed properly.
- Hazardous waste includes a liquid, solid, or semisolid waste, or contained gasses, with certain physical, chemical or infectious characteristics that pose a substantial hazard to human health or the environment when mismanaged. Hazardous wastes can come from a number of sources, including manufacturing processes and treatment processes.

The *Citizens' Guide to IDEM* is designed to introduce citizens to IDEM and its programs. Questions concerning specific permits or sites should be directed to IDEM permit managers and project managers.

The guide is not intended as regulatory guidance. Citizens, facility owners, and facility operators who are responsible for complying with environmental regulations should consult the staff of IDEM's regulatory programs concerning permit requirements, compliance issues, and guidance on environmental remediation. Confidential assistance may be obtained through [IDEM's Office of Compliance and Technical Assistance](#) at (800) 988-7901 or (317) 232-8172.

Only permitted facilities may accept regulated waste materials. Following, in alphabetical order, is a list of the permits issued by IDEM's Office of Land Quality.

Confined Feeding Operation (CFO) Permits

Animals raised in confined feeding operations produce manure and wastewater that is collected and stored in pits, tanks, lagoons and other storage structures. The manure is then applied to area fields as fertilizer. When stored and applied properly, this beneficial reuse provides a natural source of nutrients for crop production. It also lessens the need for fuel and other resources that are used in the production of commercial fertilizer. Without proper management, however, water can be polluted by storage structures that leak or manure that is improperly applied to the surface of the land.

Confined feeding operation (CFO) permits issued by IDEM contain requirements for the design, construction and maintenance of manure storage structures; the handling and land application of manure; compliance with setbacks from streams, wells, roads, property boundaries and residences; record keeping; and the handling of emergency spills. All CFOs must manage their storm water from production areas, to prevent it from coming in contact with manure, feed silos, silage bunkers, and animal bedding and carrying contaminants into area waterways.

In Indiana, an operation with at least 300 cattle, 600 swine or sheep, 30,000 poultry (chicken, turkey or ducks), or 500 horses in confinement must obtain a confined feeding operation (CFO) permit from IDEM. This includes the larger operations described by the federal government as concentrated animal feeding operations, or CAFOs. New and expanding operations must ensure they have the proper permit to construct and operate.

Steps in the Process for a CFO Permit:

- The applicant must submit an application to IDEM, and provide notification about the application's submittal to the county commissioners, adjacent property owners, and anyone within one half mile from the proposed location or existing animal confinement barns or manure storage structures.
- The public comment period begins when the application is submitted. IDEM will accept public comments throughout the entire review process and up until a final decision has been issued.
- IDEM review the permit application and public comments and work to reach a final decision to approve or deny the proposed operation.
- When it reaches its final decision, IDEM will send notification, along with a summary response to individuals who submitted comments, the permit applicant, adjacent property owners, individuals who occupy property within one half mile of the location, local officials, and anyone else who requested the information. The Notice of Decision includes instructions for filing an appeal.

IDEM may not issue a final decision about a proposed CFO for at least 33 days after receiving an application, but must issue a decision within 90 days, not counting time spent waiting for additional requested information.

National Pollutant Discharge Elimination System (NPDES) Permits – Animal Feeding Operations

Animal feeding operations of any size must obtain a National Pollutant Discharge Elimination System (NPDES) permit if they actually have a discharge to a waterway. A dairy that discharges non-contact cooling water from its milk chillers is an example of an animal feeding operation that would require this type of a permit. Discharging non-contact cooling water is a type of discharge that may be allowed because it does not come into contact with raw materials, and is not expected to pick up contaminants prior to being discharged.

While there are very few operations that require this type of permit in Indiana, for the ones that do, IDEM will develop a single document that combines the NPDES monitoring and reporting requirements for the discharge and the CFO program requirements for construction, operation, maintenance, reporting, and emergency planning.

Steps in the NPDES Permitting Process for Animal Feeding Operations:

- Permit applicants seeking approval from IDEM to construct must provide notification about the application's submittal to the county commissioners, adjacent property owners, and anyone within one half mile from the proposed or existing animal confinement barns or manure storage structures.

- IDEM will review the application for completeness, and request additional information, if needed. If the application meets state and federal requirements, IDEM will begin drafting a permit.
- When IDEM has completed a draft permit, it will publish a notice in the local newspaper announcing to the public that the draft permit is available for review. IDEM will accept public comments for at least 30 days.
- IDEM will review the public comments that it received and work to reach a final decision. It will also prepare a summary response to comments.
- When IDEM reaches a final decision, it will send a Notice of Decision to the applicant, adjacent property owners, local officials, and anyone else who submitted comments or asked to receive information. IDEM's Notice of Decision will include instructions for filing an appeal.

IDEM must make its decision on a NPDES permit application within 180 days after receiving the application, not counting any time spent waiting on additional information requested from the applicant. More background information about the NPDES Permitting Program is provided in the section on wastewater permits of this guide.

The Difference Between a CFO and a CAFO

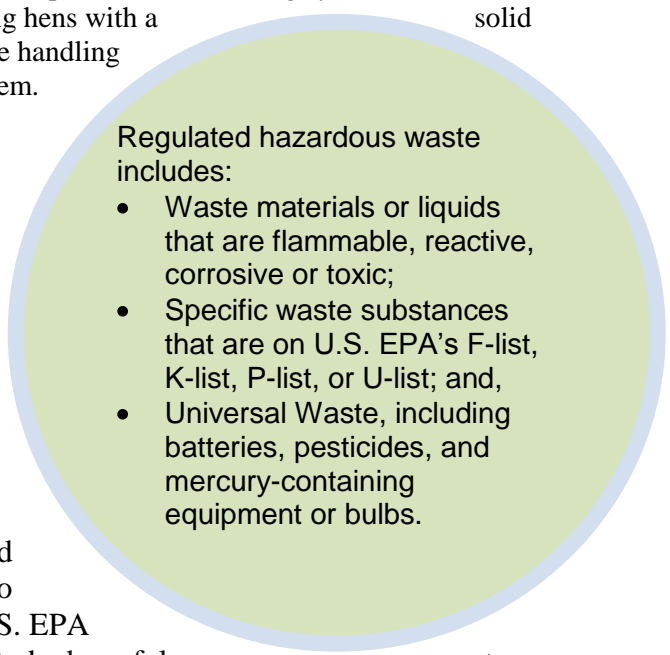
The basic difference is the size. A CFO is an operation with at least 300 cattle, 600 swine or sheep, 30,000 poultry (chicken, turkey or ducks), or 500 horses in confinement. CAFO is the U.S. EPA's term for an operation with at least 700 mature dairy cows; 1,000 veal calves; 1,000 cattle other than mature dairy cows; 2,500 swine above 55 pounds; 10,000 swine less than 55 pounds; 500 horses; 10,000 sheep or lambs; 55,000 turkeys; 30,000 laying hens or broilers with a liquid manure handling system; 125,000 broilers with a solid manure handling system; 82,000 laying hens with a solid manure handling system; 30,000 ducks with a solid manure handling system; or 5,000 ducks with a liquid manure handling system.

U.S. EPA only requires states to regulate CAFO-sized operations. However, IDEM regulates both CFOs and CAFO-sized operations under Indiana's CFO rules, which are more stringent than federal regulations.

Visit [IDEM's Confined Feeding Operations Web page](#) for more information.

Hazardous Waste Permits

The management of hazardous waste in the United States must comply with the federal Resource Conservation and Recovery Act, also known as "RCRA" (pronounced rihk-ruh). Under RCRA, a solid waste is hazardous, and must be managed according to hazardous waste regulations, if it 1) is included on U.S. EPA lists of hundreds of hazardous wastes that are known to be harmful to human health and the environment ("listed" wastes), or 2) has any or all of the characteristics of ignitability (*capable of creating fire*), corrosivity (*capable of corroding containers*), reactivity (*unstable and able to cause explosions or release fumes, gasses or vapors when mixed with water*), or toxicity (*harmful or fatal when ingested or absorbed*.)



Regulated hazardous waste includes:

- Waste materials or liquids that are flammable, reactive, corrosive or toxic;
- Specific waste substances that are on U.S. EPA's F-list, K-list, P-list, or U-list; and,
- Universal Waste, including batteries, pesticides, and mercury-containing equipment or bulbs.

A cradle-to-grave system is used to track where and when hazardous waste is generated, stored, treated and disposed. Facilities that generate certain quantities of hazardous waste must register with U.S. EPA, and are subject to inspections. Manufacturing or industrial facilities that store and/or treat the wastes they generate are responsible for managing their hazardous waste according to hazardous waste generator regulations. Facilities that wish to accept off-site hazardous waste for treatment, storage or disposal must be properly permitted. Facilities managing hazardous waste are required to clean up (“close”) units utilized to treat or store hazardous waste when the facility ceases operation of the unit. Hazardous waste disposal facilities are required to close disposal unit(s) by properly preparing the unit for post-closure maintenance and monitoring. Post-closure maintenance and monitoring is managed pursuant to a post-closure plan, typically contained within an operating permit, post-closure permit, or an agreed order.


Permits for New Hazardous Waste Units

Hazardous waste permits are issued by IDEM’s Office of Land Quality for several different activities regulated under RCRA, including the construction and operation of the following types of facilities:

- **Hazardous waste landfills:** A disposal facility where hazardous waste is placed in or on the land. Hazardous waste landfills are constructed and operated according to stringent standards to prevent contaminants from being released to the environment, manage storm water, and control dust and particles from blowing off site.
- **Hazardous waste incinerators:** Where hazardous waste is burned, primarily for waste destruction or treatment purposes; however, some energy or material recovery can occur. When performed properly, incineration destroys the toxic organic constituents in hazardous waste and reduces the volume of the waste.
- **Hazardous waste storage facilities:** Where hazardous waste is temporarily held for a period of time prior to its treatment, disposal or transport to another storage facility. Hazardous waste may be stored in: containers (portable) devices in which waste can be transported, treated, disposed, or otherwise handled—examples include 55-gallon drums, tanker trucks, railroad cars, buckets, bags and test tubes) tanks (stationary steel, plastic, fiberglass, and concrete structures that can be open at the top) or containment buildings which are enclosed and self-supporting, drip pads (a structure for drying, which is designed to contain and collect drippage) waste piles on top of liner systems, or surface impoundments (natural topographical depression, man-made excavation, or diked area such as a holding pond, storage pit, or settling lagoon surface impoundments are formed primarily of earthen materials and are lined with synthetic plastic liners to prevent liquids from escaping) that comply with the RCRA regulations.
- **Hazardous waste treatment facilities:** Treatment involves a process or processes to change the physical, chemical, or biological characteristics of a hazardous waste in order to minimize the environmental threat.

Steps in the Permitting Process for New Facilities:

- Anyone proposing to build and operate any of the facilities described above must submit an application to IDEM on forms provided by U.S. EPA.
 - Note: The applicant must hold an informal public meeting before submitting a permit application to IDEM. This is referred to as a pre-application meeting, and its purpose is for the applicant to explain the plans for building and operating the facility. Advertisement of the meeting must include erecting a sign at or near the property of the proposed facility, radio or television announcements, and a newspaper display advertisement.
- When IDEM receives an application, it will send a notification to all individuals who attended the business's pre-application meeting.
- IDEM will review the application documents and work with the applicant to ensure all necessary information has been submitted.
- IDEM will make a tentative ("draft") decision to deny or issue a permit, based on the application documents. IDEM will announce its draft decision to either deny or issue a permit by sending a letter to everyone on the mailing list, issuing a public notice in a local newspaper, and broadcasting the announcement over the radio. IDEM will also prepare a fact sheet to explain its draft decision. IDEM will provide a minimum 45-day public comment period about its preliminary decision. IDEM may hold a public hearing. If IDEM arranges a hearing, it must announce the time, date and location at least 30 days before the scheduled date, which provide affected residents with an opportunity to submit written and oral comments.
- IDEM will review all public comments prior to making a final decision.
- IDEM will issue a final decision to approve or deny a permit. The Notice of Decision will include a summary response to comments including changes that were made to the draft permit.



Land application permits are *not* issued for animal manures, regulated solid waste materials, hazardous waste materials, high specific gravity materials such as sand, gravel or cinders, or solid materials that are screened out during the wastewater treatment process. These materials are regulated by other programs.

Closure of Units

At treatment, storage, and disposal facilities (TSDFs) where multiple hazardous waste management units are in operation, one unit may cease operation while the remaining units continue operating. All Hazardous Waste Permits issued by IDEM will contain requirements for closing units. Details include the amount of hazardous waste that will be kept on site during a facility's operating life, a schedule of closure dates for each unit, a schedule of closure for the facility, the planned methods for closing each unit, and the planned methods for closing the entire facility. When the time comes for a unit to be taken out of service, the facility must follow an approved closure plan to address any potential or actual contamination that may have resulted from its operation.

There are two types of closures:

- Closure by removal (this includes removal or decontamination). This is also referred to as clean closure. It refers to the process of removing all hazardous waste from a unit and any releases at, or from, the unit, so that no further action is necessary to protect human health and the environment.
- Closure with waste or contamination remaining in place. This requires measures, referred to as controls, to prevent public exposure. The two types of controls are engineered controls and institutional controls. Land disposal units use engineered controls such as capping and post-closure maintenance of liners and final covers, leachate collection and removal systems, leak detection systems, and gas collection systems. The standard post-closure care period is 30 years, but it can be shortened or extended by U.S. EPA or IDEM, if appropriate. Institutional controls such as land use or deed restrictions are used to ensure future property owners are aware of any limitations on redevelopment and stabilized contaminants are not disturbed.

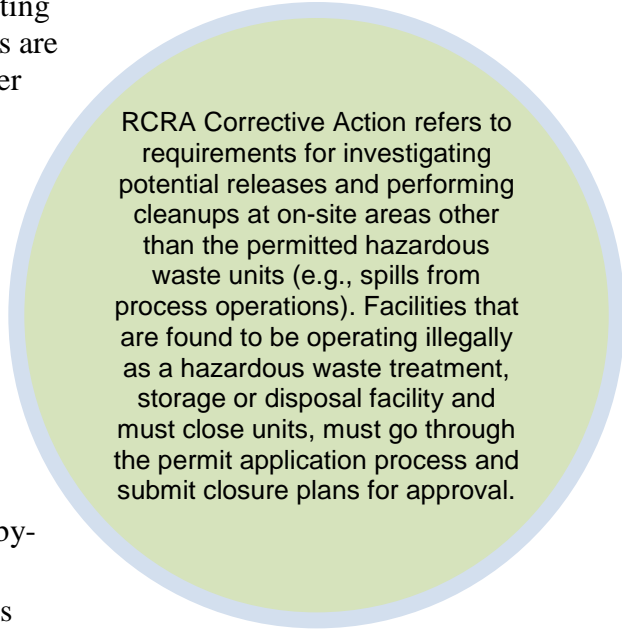
For information about Hazardous Waste – RCRA Corrective Action, please see Part 3: Environmental Remediation of this guide. Also visit [IDEM's Hazardous Waste Web page](#) for more information about IDEM's Hazardous Waste Program.

Land Application Permits

The residues of the wastewater treatment process are referred to as biosolids. Biosolids may be disposed of as a solid waste, but they can also be used productively as a fertilizer or soil conditioner. The use of biosolids for land application requires a permit from IDEM. Likewise, some industrial waste products and pollutant-bearing water may be used as a soil amendment or as fertilizer, providing they meet environmental standards and the proper permit has been obtained from IDEM. Once the proper permit is approved, these materials can be spread on the land or injected below the land surface. Analysis and reporting requirements in the permits ensure environmental standards are being met and prevent the threat of harmful bacteria or other harmful pollutants.

Here are summaries describing the materials and liquids.

- Biosolids are organic materials produced during wastewater treatment. Biosolids contain nutrients including nitrogen, phosphorus, potassium, zinc, calcium, magnesium and iron.
- Industrial waste products come from industrial operations. Industrial waste products may be organic or inorganic, and may have some value as a source of nutrients. Examples are waste paper fibers, food processing wastes, and pharmaceutical manufacturing by-products.
- Pollutant-bearing water is domestic wastewater, process wastewater or storm water from certain industrial operations.



RCRA Corrective Action refers to requirements for investigating potential releases and performing cleanups at on-site areas other than the permitted hazardous waste units (e.g., spills from process operations). Facilities that are found to be operating illegally as a hazardous waste treatment, storage or disposal facility and must close units, must go through the permit application process and submit closure plans for approval.

These are the three types of land application permits that are issued by IDEM's Office of Land Quality:

- Site specific permits identify the land on which the materials or liquids will be applied.
- Non-site specific permits identify the counties in which the biosolids or industrial waste products will be land applied.
- Hybrid permits identify land on which the biosolids or industrial waste products will be applied, along with counties in which the material will be approved for land application.

Steps in the Process for Land Application Permits:

- The applicant must submit an application to IDEM at least 180 days prior to beginning the proposed operation/activity. The applicant must notify all adjacent landowners and occupants within 10 days of the date it submits the application. The applicant must also provide to IDEM, with the application, a list of potentially affected persons. The applicant must provide data that ensures the materials and/or liquids are eligible to be applied on the land according to U.S. EPA and IDEM standards
- When it receives an application, IDEM will publish a notice in the newspaper of widest general circulation in the area of the proposed location announcing its availability for public review and a minimum 30-day public comment period.
- IDEM will complete its review of the application and all public comments it received.
- When it makes its final decision, IDEM issues a Notice of Decision to potentially affected persons identified by the applicant, as well as local officials and any other parties who submitted comments or requested notification. The Notice of Decision includes instructions for filing a formal appeal.

IDEM typically reaches a final decision within 180 days of the receipt of an application. Initial permits are issued for five years, with subsequent renewals issued every 10 years.

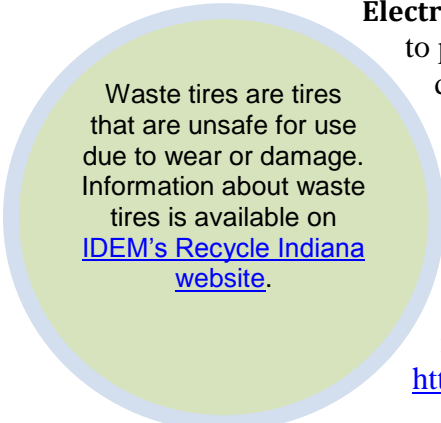
For more information about land application of biosolids and industrial waste, visit the section covering [Land Application in the IDEM Permit Guide](#).

Registrations

The storage and processing of certain types of regulated solid waste is authorized through a registration instead of a permit. Following is a list of the registrations issued by IDEM, including the process for obtaining the approval. Public comment is not required for new registrations or renewals, which may be renewed every five years.

Alternative Fuel Processors: This registration program allows facilities that burn fossil fuels to supplement their fuel needs with materials that pose a low environmental risk, when handled properly. The program does not allow the use of hazardous waste or municipal solid waste. The program does allow the use of alternative fuels such as manufactured wood waste, paper, plastic, tires, rubber, carpet, oil filter fluff, cosmetics, or corn seeds. The material(s) must have a minimum fuel value of 5,000 BTUs per pound and cannot exceed 30 percent, by weight, of the facility's total fuel usage.

Biomass Digesters and Biomass Gasification Facilities: This registration program allows facilities to process biomass and appropriate feedstock through a digester or gasifier to recover energy or a reusable product. Examples include biomass digesters and gasification facilities that recover methane or ethanol from animal manure or other organic waste. Biomass is biological material, including natural materials such as wood, agricultural crops and algae, and biological wastes such as manure and agricultural wastes. Other appropriate feedstocks that are allowed under this registration program include organic wastes such as food wastes, cooking oil and grease, paper pulp, sewage sludge, off-spec or unused animal feed, dried distillers grain, animal bedding, biodiesel, and wood pallets.

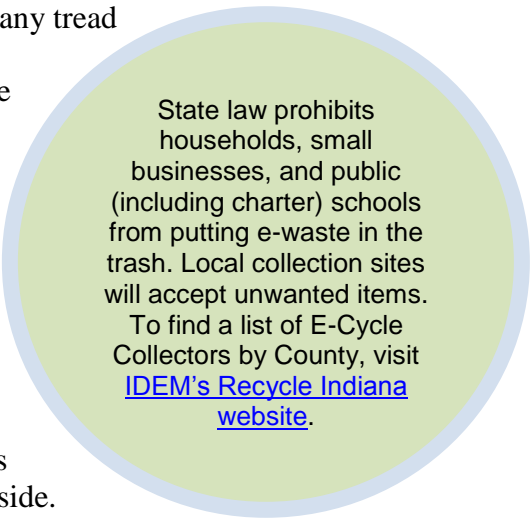


Waste tires are tires that are unsafe for use due to wear or damage. Information about waste tires is available on [IDEM's Recycle Indiana website](http://www.in.gov/idec/5897.htm).

Electronic Waste, or "E-waste" Processors: E-waste registrations are issued to persons who collect, broker, store, recycle, resell, dismantle, or demanufacture circuit boards (including shredded circuit boards), diodes, CRTs, computers, and electronic devices. All e-waste processors must register with IDEM and comply with Indiana's rules for the storage of waste, the operation of their business, employee training, and disposal of items. Businesses that become inactive and permanently close must ensure the safe management and/or disposal of all of the materials they have collected. Requirements are explained in greater detail on the IDEM website at <http://www.in.gov/idec/5897.htm>.

Mobile Home Salvaging Operations: This registration program is intended for businesses that salvage parts and metals from mobile homes that are no longer suitable for use. Activities include dismantling or demanufacturing mobile homes, storing discarded mobile homes and mobile home parts, recycling mobile homes, or processing mobile homes for recycling, for incineration, or for final disposal at a permitted facility. They must comply with Indiana's rule for mobile home salvaging, which includes best management practices in addition to operational requirements and financial assurance requirements.

Waste Tire Operations: Waste tires are tires that do not have any tread or are damaged to the point that they are unsafe for to use on vehicles. Whole tires cannot be disposed of in a landfill. Waste tires are measured in potential tire equivalents, or PTEs. One PTE is equal to a standard passenger tire or 20 pounds. For example, a large truck tire would be more than one PTE, depending on its weight. Following are descriptions of the three types of waste tire operations that must obtain a registration from IDEM. IDEM works to process registrations for waste tire activities within a reasonable timeframe. Public comment is not required.



State law prohibits households, small businesses, and public (including charter) schools from putting e-waste in the trash. Local collection sites will accept unwanted items. To find a list of E-Cycle Collectors by County, visit [IDEM's Recycle Indiana website](http://www.in.gov/idec/5897.htm).

- 1) Waste Tire Storage Facilities:** Registered storage facilities may store more than 1,000 PTEs outside or 2,000 PTEs inside. Applicants must provide information about their proposed operation,

including the maximum number of PTEs that can be stored on site. Waste tire storage facilities must maintain financial assurance based on their storage capacity.

- 2) **Waste Tire Processors:** These operations cut, shred, or grind tires. A processor may keep no more than 1,000 PTEs on site outdoors or 2,000 PTEs indoors, unless the facility is also registered as a storage facility. The term does not include a retail operation that cuts or shreds waste tires generated by the retail operation on its own premises.
- 3) **Waste Tire Transporters:** A transporter is in the business of accepting waste tires and transporting the tires to other locations such as a processor or disposal facility. A waste tire transporter must maintain financial assurance.

Vegetative Matter Composting Facilities: All owners or operators of a composting facility for vegetative matter must register with IDEM. Composting is a biological process involving the breakdown of organic matter by microorganisms. The registration program ensures that facilities have adequate controls in place to manage runoff, protect water quality, control dust, odors and noise, properly manage materials that cannot be composted, and submit annual reports to IDEM.

Septage Permits

Septic wastewater comes from domestic septic tanks, holding tanks, privies, seepage pits, cesspools, compost toilets, portable sanitary units and "restaurant" grease (animal/vegetable only) from traps or interceptors. Vehicles used by businesses to transport septage must have a Septage Management Business & Vehicle Permit and a valid identification number assigned by IDEM. Businesses that store and treat septage must have a Wastewater Management Storage/Treatment Facility Permit from IDEM. Public comment is not required for either type of permit. A land application permit from IDEM's Office of Land Quality must be obtained prior to the land application of septage.


For more information about septage, visit the section on [Wastewater \(Septage\) in the IDEM Permit Guide](#).

Solid Waste Processing and Disposal Facility Permits

Facilities must have an IDEM permit to accept or process solid waste for disposal.

Solid waste disposal facilities are the facilities where waste is taken for final disposal. Here are the types of facilities that require a solid waste disposal facility permit from IDEM, with the public process for each.

Municipal Solid Waste Landfills: Trash from homes and businesses, construction and demolition debris, most non-hazardous industrial wastes are disposed of in municipal solid waste landfills. Hazardous waste is not permitted. Municipal solid waste landfills must obtain a solid waste disposal facility permit from IDEM's Office of Land Quality. IDEM must issue a decision on

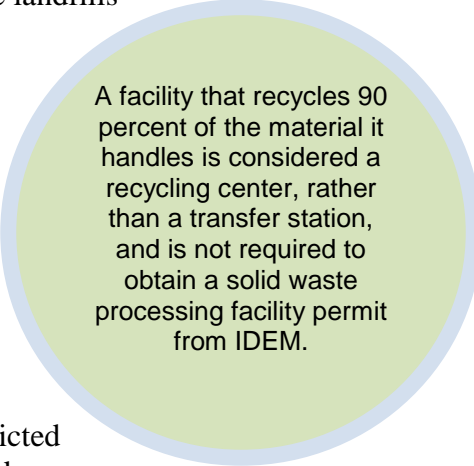


In conjunction with Indiana's ban on landscaping and land clearing project waste in landfills, IDEM encourages Hoosiers to take yard waste to a registered composting facility. Visit [IDEM's Recycle Indiana website](#) for a listing.

new permit applications or major expansions in 365 days. During the permit review process, the applicant must hold a public information meeting, at which an IDEM representative will be present. IDEM must accept public comment for a minimum of 30 days. IDEM will hold a formal public hearing if it receives a petition of 100 signatures or more signed by residents of the county where the landfill or expansion will be located, or if other significant public interest is expressed. IDEM's public hearing and applicant's informational meeting are usually held together at a convenient location and time for affected citizens.

Construction and Demolition Debris Landfills: Referred to as a C&D landfill, only construction and demolition debris such as scrap lumber, bricks, stone, glass, wallboard, roofing, plumbing fixtures, wiring and non-asbestos insulation may be accepted. Friable asbestos, lead-based paint wastes (dust or sludge), household or commercial trash, yard waste, non-hazardous industrial wastes and hazardous wastes are not permitted. Construction and demolition debris landfills must obtain a solid waste disposal facility permit from IDEM's Office of Land Quality through the same process as municipal solid waste landfills.

Non-municipal Solid Waste Landfills: Non-municipal solid waste landfills may accept construction and demolition waste, industrial process waste, coal combustion and flue gas desulfurization wastes excluded from regulation, and pollution control wastes such as wastewater treatment sludges, baghouse dust, scrubber sludges, chemical spill clean-up wastes and environmental cleanup wastes. Household wastes, commercial wastes and hazardous wastes are not permitted. Non-municipal solid waste landfills must obtain a solid waste disposal facility permit from IDEM's Office of Land Quality through the same process as municipal solid waste landfills.



A facility that recycles 90 percent of the material it handles is considered a recycling center, rather than a transfer station, and is not required to obtain a solid waste processing facility permit from IDEM.

Restricted Waste Landfills: Sometimes called a mono-fill, a restricted waste landfill is a built and operated for the disposal of non-hazardous industrial wastes generated by a single type of industrial activity. As part of the process to obtain approval, a laboratory analysis is performed on the waste materials intended for disposal, to ensure that they are not hazardous. Requirements in the permits for these facilities include specifics on the type of waste(s) that may be disposed of, and restrictions on materials that do not meet the classification. Restricted waste landfills must obtain a solid waste disposal facility permit from IDEM's Office of Land Quality through the same process as municipal solid waste landfills.

Solid waste processing facilities serve as collection points for wastes where they are treated or processed for disposal or reuse. Processing facilities can combine loads for transportation to landfills, incinerators or resource recovery facilities. Processing facilities may also sort and remove recyclable materials. They can also process wastes into new materials for use as fuel, paving material, animal bedding, and other varied uses. Here are the types of operations permitted with a solid waste processing facility permit:

Transfer Stations: Facilities at which solid waste is transferred from a vehicle or container to another vehicle or container for transportation purposes. Baling or shredding for the purposes of transportation may occur at a transfer station. Transfer stations must obtain a solid waste processing facility permit from IDEM. IDEM must make a final decision on transfer station permit applications within 180 days. During the review process, IDEM will hold a minimum 30-day public comment period and may hold a public hearing, depending on the level of public interest. The applicant is not required to hold an informational meeting.

The *Citizens' Guide to IDEM* is designed to introduce citizens to IDEM and its programs. Questions concerning specific permits or sites should be directed to IDEM permit managers and project managers.

The guide is not intended as regulatory guidance. Citizens, facility owners, and facility operators who are responsible for complying with environmental regulations should consult the staff of IDEM's regulatory programs concerning permit requirements, compliance issues, and guidance on environmental remediation. Confidential assistance may be obtained through [IDEM's Office of Compliance and Technical Assistance](#) at (800) 988-7901 or (317) 232-8172.

Incinerators: Both incinerators (where waste materials are combusted without energy recovery) and resource recovery facilities (also referred to as waste to energy facilities) accept most commercial and residential wastes, including household garbage, industrial waste, and medical or infectious waste. Incinerators and resource recovery facilities must obtain a solid waste disposal facility permit from IDEM's Office of Land Quality. IDEM must issue a decision on new permit applications in 365 days. During the permit review process for an incinerator, the applicant must hold a public information meeting, at which an IDEM representative will be present. IDEM must accept public comment for a minimum of 30 days. IDEM will hold a formal public hearing if it receives a petition of 100 signatures or more signed by residents of the county where the facility will be located, or if other significant interest is expressed. IDEM's public hearing and applicant's informational meeting are usually held together at a convenient location and time for affected citizens.

Other Solid Waste Processing Facilities: Other types of solid waste processing facilities that require a permit include medical or infectious waste treatment facilities, plasma arc solid waste treatment facilities, and other facilities that process wastes in preparation for disposal or reuse. IDEM must make a final decision on applications for these facilities within 365 days. During the review process, IDEM will hold a minimum 30-day public comment period and may hold a public hearing, as well, depending on the level of public interest. The applicant is not required to hold an informational meeting.

An air permit may be issued by IDEM's Office of Air Quality, for solid waste disposal or processing facilities that have the potential to emit air pollutants at certain levels.

For more information, visit [IDEM's Solid Waste Program Web page](#).

Water - Introduction

IDEM's Office of Water Quality oversees many activities under federal and state regulations that are aimed at ensuring safe drinking water for consumers and preventing pollution to surface water and ground water. Projects that are overseen by IDEM include: projects to build or expand

public water supply systems that provide drinking water to Hoosiers; efforts to manage storm water at construction sites and industrial sites; the construction and operation of facilities that treat wastewater from homes, businesses and industry before it is discharged back into the environment; and efforts to protect water quality from the impacts of activities in or around them. Following are summaries of projects and activities overseen by IDEM's various water quality permits staff.

Drinking Water

Public water systems, or "PWSs," are systems that supply drinking water from their own well or surface water source for their own use or for other consumers, such as residential or business customers. Examples of systems that supply their own water may include manufacturing facilities, schools, restaurants, churches, or campgrounds that use their own water wells to supply drinking water to their facility. An example of a system that supplies water for others is a municipal utility that obtains and generally treats water from a lake, stream, or underground aquifer (well) and distributes it to residential customers for uses including drinking, cooking and bathing.

The construction of wells and/or treatment processes must meet design criteria established by rule. Construction, installation, or modification of a public water system can only be done with a valid permit issued by the Indiana Department of Environmental Management.

Following is information about the requirements for public water systems and the types of permits issued by IDEM's Office of Water Quality for drinking water projects.

Capacity Development

IDEM approval is required to develop a new community public water supply system or a nontransient noncommunity water system. Some key definitions are listed below:

- "Public water system," also referred to as PWS, means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen (15) service connections or regularly serves at least twenty-five (25) individuals;
- "Community Water System" – means a public water system that serves at least fifteen (15) service connections used by year round residents or regularly serves at least twenty-five (25) year-round residents; and,
- Nontransient noncommunity water system or "NTNCWS" means a public water system that is not a community water system that regularly serves the same twenty-five (25) or more persons at least six (6) months per year.
- "Noncommunity water system" or "NCWS" means a PWS that has at least fifteen (15) service connections used by nonresidents or regularly serves twenty-five (25) or more nonresident individuals daily for at least sixty (60) days per year.

Before a construction permit application may be submitted for a new community or nontransient noncommunity system, the new system must submit a Water System Management Plan for

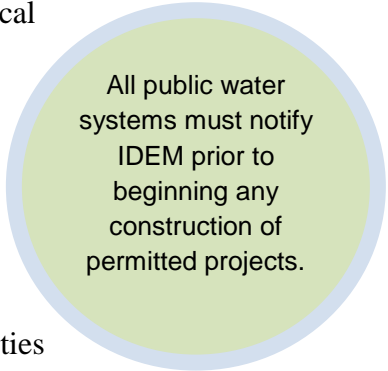
review and approval. IDEM must verify that the owner has done sufficient planning to ensure the new system's successful operation. Specifically, IDEM reviews new projects to ensure there are sufficient financial, managerial and technical resources available to operate the system in compliance with all rules. The owner of the proposed system must adequately demonstrate there is capacity to meet all of the technical, financial and managerial needs for construction and operation before a permit application can be submitted.

If IDEM determines that the owner/operator can meet the technical, financial, and managerial needs for constructing and operating the proposed public water supply system, IDEM will issue the applicant a letter of certification. The applicant may then submit a construction permit application to IDEM.

Individual Construction Permits

Individual construction permits can be issued for modifications, improvement and additions to existing systems. They can also be issued for new transient noncommunity systems. IDEM ensures standards are followed for the design and construction of new treatment plants, ground water wells, surface water intake structures, booster stations, water mains, and water storage facilities, as well as the installation of equipment to feed and control chemical addition.

Prior to issuance of any construction permit, IDEM is required to provide public notice. Public notice requirements can be met in one of two ways, depending on the number of potentially affected parties: 1) if there 10 or more parties, a notice may be published on IDEM's Public Notice website announcing the proposed project and providing a minimum of 30 days for public comment, or 2) if there are less than 10 potentially affected parties and IDEM issues a "Notice of Decision", IDEM must notify the parties when it issues a decision about the permit and include instructions for filing a formal appeal. The potentially affected parties have 18 days after issuance of the Notice of Decision to file a formal appeal.



All public water systems must notify IDEM prior to beginning any construction of permitted projects.

Emergency Drinking Water Projects

Emergency drinking water construction projects that are necessary due to drought, storms, floods, or other natural or manmade disasters, often need to proceed immediately. State Form 54188 (R/4-12) must be completed and submitted for review. Once approved, construction may begin immediately, but must be completed within 30 days and a construction permit application including as-built plans and specifications, must be submitted within 10 days after construction is complete. IDEM will then issue an "After the Fact" permit based on the submitted as-built plans and specifications. For a copy of State Form 54188 (R/4-12) and a determination as to whether your situation meets the requirements for an emergency, please contact Marc Hancock at (317) 234-7434.

New Well Sites

Before drilling new wells, replacing existing wells, or adding a well or wells to an existing system, a public water supply system must submit a New Well Site Survey to IDEM for review

and approval. Public comment is not required. An on-site review of the proposed well location is conducted with IDEM staff and the public water system owner or representative at the proposed site to ensure the required sanitary setback area meets the rule requirements and is free of potential sources of contamination. A report of well site survey will be issued to the public water system approving the site and listing conditions of approval. Construction of such well(s) cannot commence until a construction permit has been issued. The construction permit will include all conditions listed in the “Well Site Survey” approval letter.

General Construction Permit

Public water systems may forgo the described construction permit process above, through the general construction permit rules. The general construction permit only applies to water main projects. To obtain a general construction permit, a professional engineer must supervise the project’s design and the developer, if applicable, and a public water supply system representative must certify that the project will meet all local rules or laws, regulations, and ordinances. Construction may begin thirty (30) days from the date IDEM receives a complete and sufficient Notice of Intent (NOI) form. All general construction permit’s shall be submitted to IDEM via certified mail. IDEM rules governing the general construction permit requirements may be found at 327 IAC 8-3.5. The proposed project for a general construction permit must commence within twelve (12) months of the submittal of the NOI.

For more information about IDEM drinking water permits, visit [IDEM’s Drinking Water Permits Web page](#).

Storm water - Introduction

Storm water management addresses run-off from land surfaces. Storm water management principles include, but are not limited to local land use planning, management and maintenance of infrastructure, and implementation of storm water quality and quantity measures. The focus of storm water management is to minimize the discharge of pollutants into waters of the state. IDEM administers a storm water permitting program that places emphasis on construction sites, industrial sites, and local entities to ensure appropriate storm water management is utilized.

Construction Site Run-off Permits

The objective of the Construction Site Run-off program is to ensure adequate storm water quality measures are selected and will be implemented throughout the construction activity to control erosion and sedimentation.

Construction Site Run-off General Permit

A general permit is required for all construction activities where one or more acres of land are planned to be disturbed or for those projects where the land disturbance is less than one acre, but is part of a larger common plan of development or sale. Land disturbance is typically associated with grading, clearing and excavation activities. The applicant must develop a construction plan; which includes a storm water pollution prevention plan that is designed specifically for the project. Once a plan goes through an IDEM or local review process and is deemed acceptable, an applicant may proceed with completing and submitting a Notice of Intent, or NOI, to IDEM to discharge storm water from construction activities.

A form has been developed for the NOI and must be completed by the applicant, including an original signature. The NOI is required to include a verification of plan submittal and acceptance, and a notice that was published in a newspaper of general circulation for the area in which the project will occur.

The permit becomes effective upon receipt by IDEM, and remains in effect for a period of five years. There is no public comment period.

Construction Site Run-off Individual Permits

Most construction projects are authorized through a general permit. However, IDEM may require an individual storm water discharge permit if the agency determines the requirements in the general permit are not sufficient to protect water quality or other factors warrant more specific storm water control requirements on a project site that could impair the water quality of the receiving water. If applicable, IDEM will notify the applicant in writing that the project is ineligible for a general permit. If an individual permit is warranted there will be a minimum 30-day public comment period. Land disturbing activities may not be conducted while an individual storm water permit approval is pending.

Industrial Storm Water Permits

The objective of the program is to establish requirements for storm water discharges associated with specific industries that have a point source discharge. The program is designed to target industrial pollutants that may be potentially discharged when exposed to rain water and snow melt and be carried in the run-off from the industrial site. Requirements may include, but are not limited to covering raw materials that are stored outdoors, storing materials indoors, management of storm water run-off, and implementation of storm water quality measures.

Industrial Storm Water General Permit

To obtain coverage under the industrial storm water general permit, the responsible individual of the industrial facility must complete and submit a Notice of Intent (NOI) to IDEM's Office of Water Quality. Once permit coverage is obtained, the responsible party must develop, implement and update a storm water pollution prevention plan, conduct annual storm water monitoring, and submit annual reports to IDEM.

A form has been developed for the NOI and must be completed by the applicant, including an original signature. The NOI is also required to include a notice that was published in a newspaper of general circulation.

The permit becomes effective upon receipt by IDEM, and remains in effect for a period of five years. There is no public comment period.

Industrial Storm Water Individual Permits

IDEM may require an individual permit where there are unique environmental considerations at an industrial operation or specific pollution control requirements that cannot be fully addressed through a general permit. In these cases, IDEM will notify the applicant in writing that the facility is ineligible for a general permit. If an individual permit is warranted there will be a minimum 30-day public comment period. An individual storm water permit may also be developed in coordination with wastewater discharge permit applications. A facility may also

choose to incorporate storm water requirements into an individual wastewater permit, thereby eliminating the requirement to have both a general storm water industrial permit and an individual wastewater permit.

Municipal Separate Storm Sewer Systems (MS4s)

The objective of the MS4 program is to improve the quality of storm water that is discharged from urbanized areas. MS4s are defined as a conveyance or system of conveyances owned by a state, city, town, or other public entity that discharges to waters of the United States and is designed or used for collecting or conveying storm water. Regulated conveyance systems include roads with drains, municipal streets, catch basins, curbs, gutters, storm drains, piping, channels, ditches, tunnels and conduits. It does not include combined sewer overflows.

MS4 conveyances within urbanized areas have one of the greatest potentials for polluted storm water run-off. The Federal Register Final Rule explains the reason as: “urbanization alters the natural infiltration capacity of the land and generates...pollutants...causing an increase in storm water runoff volumes and pollutant loadings.” Based on increased population and proportionally higher pollutant sources, urbanization results “in a greater concentration of pollutants that can be mobilized by, or disposed into, storm water discharges.”

MS4 General Permit

MS4s are designated by IDEM based on the most recent U.S. census data and several factors including, but not limited to population, population density, and population growth. Once designated an MS4 is required to submit a Notice of Intent (NOI). Permit coverage begins upon receipt of the NOI. A form has been developed for the NOI and must be completed by the MS4, including an original signature of the MS4 Operator. The NOI is also required to include a notice that was published in a newspaper of general circulation.

The permit requires an MS4 to develop a Storm Water Quality Management Plan that includes an assessment of storm water issues and concerns within the MS4 and objectives and goals that targets pollutant reduction through implementation of public education, public involvement, illicit discharge detection and elimination, construction site run-off, post-construction run-off, and good housekeeping minimum control measures.

MS4 Individual Permits

If it is determined that a designated MS4 is ineligible to operate under a general permit, IDEM will notify the MS4 in writing. If an individual permit is warranted there will be a minimum 30-day public comment period.

There is currently one MS4 that is operating under an individual permit and that is the City of Indianapolis.

Visit [IDEM's Storm Water Permitting Web page](#) and [IDEM's Storm Water Resource Information Web page](#) for more information.

Wastewater - Introduction

In 1972, a national permitting program was established for wastewater discharges. Known as the National Pollutant Discharge Elimination System (NPDES) Program, it has helped bring about significant improvements in the quality of our waterways.

An NPDES permit specifies the controls required for ensuring that a discharge is safe and that humans and aquatic life are protected. NPDES discharge permits contain limits on the amount of pollutants that may be safely discharged into our waterways. The limits can be narrative statements, defining conditions that must be protected, and/or numeric limits. IDEM is authorized to administer NPDES permits in Indiana.

For additional background information, visit IDEM's [National Pollutant Discharge Elimination System \(NPDES\) Overview](#) Web page. Visit [U.S. EPA's National Pollutant Discharge Elimination Web page](#) for information on the federal program, including an [overview of the program for industrial and commercial facilities](#) and an [overview of the program for municipalities and wastewater treatment plants](#).

Antidegradation Requirements

Indiana prohibits new or increased discharges of pollutants that will significantly lower, or degrade, water quality, unless the applicant can demonstrate that the social and economic benefits of the proposed project justify the discharge, or that any lowering of water quality will be less than “de minimus,” as determined by IDEM. New or increased discharges may be the result of a newly proposed facility or changes to an existing facility.

IDEM is responsible for evaluating requests for new or increased discharges. An entity that proposes a new or increased discharge may be required to submit an antidegradation demonstration to IDEM in support of their request. Parties who plan to propose a new or increased discharge may hold a public meeting to share and discuss their demonstration with local stakeholders and interested parties.

Upon receipt of a request, IDEM will issue a public notice to inform local residents about the proposal. IDEM will automatically hold a public meeting if the waterway that will receive the proposed discharge is designated as an outstanding state resource water, or if the agency receives a petition signed by at least 25 residents living/working in the watershed or within 15 miles.

An IDEM decision to approve or deny a proposed discharge will be based on the antidegradation demonstration. When IDEM has thoroughly reviewed a demonstration and makes a tentative decision to deny a request, IDEM will issue a letter or detail the denial in a fact sheet/briefing memo. If IDEM makes a tentative decision to approve a request, IDEM will issue a draft NPDES permit and seek public comment on it.

The Antidegradation Standards and Implementation Procedures rule is found in the Indiana Administrative Code at 327 IAC 2-1.3, which can be found at <http://www.in.gov/legislative/iac/>.

NPDES Permits

NPDES permits are required for facilities that treat sanitary wastewater and on-site industrial treatment facilities, to name just two. Facilities may apply for either of the following type of permit, depending on their operation:

- An Individual NPDES Permit. Individual permit requirements are tailored to the limits the operation must achieve. They are unique documents with effluent limitations, and specific monitoring and reporting requirements. This type of permit may be required for large or small facilities, depending on the nature of the discharge and the receiving stream.
- A General NPDES Permit. IDEM has developed a number of general permits for certain categories of operations that involve the same or substantially similar types of operations. Federal regulations allow for the establishment of general permits, which enable a permitting authority to issue the same permit document to many facilities that have the same processes or practices. This ensures consistent permits for similar facilities and reduces the agency's time and costs. If a General NPDES Permit will not sufficiently cover the compliance requirements for the operation seeking an authorization, IDEM will require the facility to apply for an Individual NPDES Permit.

Individual NPDES Permit Process

- Applicant submits application to IDEM.
- IDEM conducts a completeness review and develops a preliminary permit document, which is also referred to as a draft permit. The draft permit will contain pollutant limits, monitoring requirements and reporting requirements IDEM believes are appropriate for ensuring the discharge meets standards.
- Once the draft permit document is complete, IDEM will make it available for public review and hold a minimum 30-day public comment period. At that time, the public may request a public hearing, which IDEM may hold at its discretion. If IDEM decides to hold a hearing or meeting, it will provide the public with prior notification about the time and location.
- IDEM will also prepare a technical fact sheet/briefing memo to accompany the draft permit. The technical fact sheet/briefing memo will contain additional details about the basis for pollutant limits and operational requirements contained in the draft permit.
- Before making a final decision to approve or deny the permit, IDEM staff will review all comments it has received during the formal public comment period, and may make revisions to the permit document, if appropriate.
- IDEM will then issue a final decision to either approve or deny the permit. When it does, it will send a Notice of Decision to interested/affected parties. This list includes a list of names provided by the applicant; individuals who have contacted IDEM to be notified about decisions for projects within a given county or counties; and individuals who have contacted IDEM to be notified about the particular permit application.
- Parties who object to an IDEM final decision have a right to petition the Office of Environmental Adjudication for an appeal. IDEM's Notice of Decision will include instructions for filing such an appeal.

Under Indiana law, IDEM is allotted various timeframes for making final decisions on applications for Individual NPDES Permits. Factors include the type of facility being permitted, and whether the application is for a new permit, a renewal, or a modification. Questions about

specific permit applications may be directed to the IDEM permit manager who is listed as the contact in a public notice.

Industrial Pretreatment Permits

Wastewater discharged into municipal sewers may potentially come from industrial facilities. Because the wastewater from industry may contain toxic contaminants, facilities may utilize their own wastewater treatment operations to reduce or remove pollutants from their wastewaters before discharging them into the municipal sewage treatment system. This is known as pretreatment.

Without pretreatment, wastewater from certain types of industrial operations may cause damage to sewer pipes, interfere with the operation of treatment plants, or even pass through the system untreated. Pretreatment decreases treatment costs for municipal facilities, decreases environmental risks related to contaminated sludge, and prevents water pollution.

There are about 46 cities in Indiana that have federally-delegated pretreatment permit programs, which means that they issue pretreatment permits for industries in their service areas. For a list, visit IDEM's website at www.idem.IN.gov/4882.htm.

IDEM issues pretreatment permits for industries in the rest of the state. Along with submitting a pretreatment permit application to IDEM, applicants must include a list of the names and addresses of all persons who may be potentially affected by the discharge from the facility. IDEM will notify the individuals when the final permit is issued.

General NPDES Permits (General Wastewater Permits, Non-storm Water)

Facilities that obtain coverage under a general permit essentially operate under the requirements of the applicable general permit rule. Indiana has several NPDES General Permit programs for a variety of industrial operations such as sand and gravel pits, dimensional and crushed stone quarries, surface and underground coal mining operations, coal processing facilities, reclamation operations, petroleum product terminals, groundwater petroleum remediation systems, once-through non-contact cooling water, and hydrostatic testing of pipelines.

General NPDES Permit Process

- The applicant must publish a notice in the newspaper of largest circulation in the area of the discharge announcing the facility's intent to discharge wastewater and the activities associated with the discharge. The announcement must contain instructions for filing an appeal concerning the operation's eligibility to obtain a general NPDES permit.
- The applicant must submit to IDEM a "Notice of Intent" letter before the discharge is to commence. The NOI letter to IDEM must contain:
 - proof of the publication of the newspaper announcement,
 - the name and location of the proposed operation,
 - information about the products, activities and/or discharge(s) that will be generated,
 - the location of outfalls and name of the water or waters to which the discharge(s) will be routed,
 - the names and addresses of adjacent property owners (also referred to as potentially affected parties); and

- how the facility will comply with requirements of the general permit rule.
- IDEM will conduct a review of the NOI letter and all requirements. If IDEM determines the facility has met the requirements for obtaining a General NPDES Permit, it will list it in a Public Notice that is e-mailed each month to potentially affected parties, parties who have requested notification about a specific project, and routine subscribers. IDEM is not required to hold a formal public comment period prior to making a final decision. Individuals who believe a facility is ineligible for a general permit may file an appeal with the Indiana Office of Environmental Adjudication: IDEM includes instructions for filing appeals in its Public Notices.

General NPDES Permits are sometimes referred to as “permits by rule” because the terms and conditions for compliance have historically been found directly in Indiana’s environmental rules. Indiana is in the process of converting its permits by rule to administrative general permits. For more information, please visit the [IDEM Rules Web page](#) for the Water Pollution Control Division.

New Construction, Wastewater Treatment Facilities and Sanitary Sewers

Frequently applicants must build wastewater treatment facilities to bring wastewater within the NPDES permit limits prior to discharge. In fact, the construction of any new or expanded wastewater pollution treatment/control facility requires a Construction Permit. Modifications to an existing wastewater pollution treatment/pollution facility will also likely require a Construction Permit. In addition, construction permits are required for new sanitary sewer mains, extensions to existing sewers and lift stations.

IDEM issues construction permits that ensure standards are met for building, expanding, or modifying wastewater treatment facilities.

Applicants must obtain IDEM approval before a new wastewater treatment facility is constructed, an existing facility is modified or expanded, or sanitary sewers or lift stations are installed, modified or expanded.

Industrial treatment or pretreatment facilities may not require a construction permit. To make a determination, parties should refer to state law under IC 13-14-8-11.6.

Steps in the Construction Permit Process:

Applicant submits a complete application with a set of construction plans (stamped and signed on each page by a professional engineer, or land surveyor for gravity sewers only) at least 90 days prior to the start of construction

Applicant provides information required to notify affected persons or potentially impacted parties (adjoining land owners, or those with proprietary or expressed interest)

IDEM has 90 to complete the review of a Wastewater Facility Construction Permit application. Sanitary sewer permits generally take 30-45 days, industrial pretreatment construction permits generally take 45 days, and treatment facility construction permits generally take 60-90 days.

There is no public comment period required for a Wastewater Facility Construction Permit application. However, like all IDEM-issued environmental permits, it may be appealed by any affected or interested party. The appeal must be filed with the Office of Environmental Adjudication within 18 days (15 days, plus 3 days for mail delivery) of a permit decision. Construction must begin within one year of the issue date.

Sanitary Sewer Construction Permit, Local Permitting Authority

Local government units can gain permission from IDEM to issue their own sanitary sewer construction permits. If the local government has permitting authority granted by IDEM, a permit applicant can obtain a construction permit from that local government. Per 327 IAC 3-2.1-3, the applicant can apply for a permit by submitting plans to the local government authority which shall meet all applicable rules and are prepared by a professional engineer. The local government authority is responsible for reviewing the plans and notifying IDEM of approved projects.

IDEM issues construction permit approvals for sanitary sewers if a permit is not otherwise obtained from the local government authority.

The three construction permit wastewater application forms are:

- Sanitary Sewer Construction Permit (State Form 53159)
- Wastewater Treatment Plant Construction Permit (State Form 53160)
- Industrial Wastewater Treatment Plant Construction Permit (State Form 53161)

Questions about wastewater treatment facility and sanitary sewer construction permits can be directed to IDEM staff at (317)232-8657. Visit IDEM's [Wastewater Treatment Facility and Sanitary Sewer Construction Permit Program Overview Web page](#) for more information.

Waterways and Wetlands – Introduction

Care must be taken to protect water quality when working in and around Indiana waterways and wetlands. Projects often need permits from the federal government and IDEM. The United States Army Corps of Engineers (USACE) is the agency responsible for the federal wetlands permitting program.

An important component of the federal permitting program is review and approval by the states. Projects in Indiana that require USACE approval must also be reviewed by IDEM, prior to the issuance of a federal permit. In some cases, USACE permits also require the approval of the Indiana Department of Natural Resources (IDNR).

The *Citizens' Guide to IDEM* is designed to introduce citizens to IDEM and its programs. Questions concerning specific permits or sites should be directed to IDEM permit managers and project managers.

The guide is not intended as regulatory guidance. Citizens, facility owners, and facility operators who are responsible for complying with environmental regulations should consult the staff of IDEM's regulatory programs concerning permit requirements, compliance issues, and guidance on environmental remediation. Confidential assistance may be obtained through [IDEM's Office of Compliance and Technical Assistance](#) at (800) 988-7901 or (317) 232-8172.

USACE, IDEM and IDNR work together to maintain a high level of efficiency in their separate but closely connected approval processes. Following is information about the various responsibilities of USACE, IDEM and IDNR, and the permits they issue.

Section 404 of the federal Clean Water Act gives the United States Army Corps of Engineers (USACE) the authority to oversee:

- dredging activities in a water of the United States and
- the placement of fill materials into a water of the United States.

A water of the United States generally includes all wetlands, lakes, rivers, streams, and impoundments of streams that have a connection to or are a tributary to an interstate or navigable water. The Wabash River and all of its tributaries, for example, are waters of the United States because the Wabash River flows from Ohio, through Indiana, and into the Ohio River navigational system.

Section 401 of the federal Clean Water Act gives Indiana the authority to review and approve projects that require a permit from USACE. This means that anyone seeking USACE approval must also seek IDEM approval.

Through its Section 401 Water Quality Certification (WQC) process, IDEM may grant project approval, deny project approval, or require conditions above and beyond the requirements contained in the USACE permit.

When a project is planned in Indiana that will impact a stream, river, lake, or other Water of the U.S., IDEM must issue a Section 401 WQC before a federal permit or license can be granted. The majority of federal permits requiring Section 401 Water Quality Certification from IDEM are Section 404 dredge and fill permits, which are issued by the U.S. Army Corps of Engineers (USACE).

IDEM also issues state isolated wetlands permits under Indiana's Isolated Wetlands Law. Isolated wetlands are wetlands located in Indiana that are not under the regulatory authority of the USACE. Please note that only the USACE can determine if a wetland is isolated.

The types of projects that require USACE and IDEM water quality permits include:

- residential, commercial and industrial developments;
- rerouting a stream;
- filling in a stream or wetland area to create a dry area or change the bottom elevation;
- installing a cofferdam and temporarily pumping an area dry for construction purposes;
- certain types of projects involving the construction or repair of a weir, dam or culvert;
- certain types of bank stabilization projects; and
- road, bridge and/or pipeline construction projects, in a stream, lake or wetland, along a stream bank, or on a lakeshore.

Following are descriptions of the various authorizations issued by USACE, IDEM and IDNR.

USACE Nationwide Permits (NWP's)

USACE has developed “Nationwide Permits,” to issue authorization for various activities that are relatively routine and minor in nature. Examples include culvert and bridge maintenance projects, utility line installations, minor bank stabilization and minor dredging, to name a few. USACE maintains a list of activities eligible to receive authorization under a Nationwide Permit.

Any applicant seeking USACE authorization under the Nationwide Permitting program must meet IDEM’s terms and conditions. Several types of projects may not require notification to IDEM, as long as they meet the terms and conditions of both agencies. [IDEM’s overview of the Nationwide Permitting program](#) on the IDEM website includes a list. The [overview](#) lists several types of projects that require the submittal of a form to IDEM before beginning the project. Where IDEM requires the submittal of a form, projects are automatically approved unless IDEM informs the applicant otherwise within 30 days. The [list](#) also indicates the types of projects that IDEM will not approve under the Nationwide Permitting program. If IDEM determines the project does not meet its terms and conditions, the applicant may be required to apply for an Individual 401 Water Quality Certification (see summary, below).

Indiana and USACE re-evaluate the Nationwide Permits program every five years in order to make necessary changes and adjustments in accordance with regulatory updates that may occur. The public can find a current listing of eligible activities and the required forms for obtaining a Nationwide Permit in Indiana on the Nationwide Permits page of [the USACE Louisville District Website](#). IDEM’s terms and conditions for Nationwide Permit authorizations are listed on its [401 Water Quality Certification website](#).

USACE Regional General Permit (RGP)

A Regional General Permit (RGP) is issued by USACE to authorize certain new construction activities that are similar in nature and cause minimal environmental impact (both individually and cumulatively). To be eligible, project impacts must not exceed USACE thresholds. In general, USACE will issue a Regional General Permit as long as impacts are one acre or less in wetlands and stream loss is limited to 1,500 linear feet and no more than one acre.

Projects seeking a Regional General Permit from USACE must also meet IDEM terms and conditions. Before beginning activities, parties seeking a Regional General Permit from USACE must always submit a Regional General Permit Notification form to IDEM in order to receive 401 WQC for the project. The terms and conditions that projects must meet are explained on [IDEM’s 401 Water Quality Certification website](#).

Projects are automatically approved unless IDEM informs the applicant otherwise within 30 days. If IDEM determines the project does not meet the terms and conditions of the program, the applicant may be required to apply for an Individual 401 Water Quality Certification (see summary, below).

The Regional General Permit program is re-evaluated every five years in order to make necessary changes and adjustments in accordance with regulatory updates that may have occur.

The public can view procedures and forms for obtaining a Regional General Permit in Indiana on the [USACE Louisville District Regional and Programmatic General Permits Web page](#).

USACE Programmatic General Permit (PGP)

USACE, IDEM, and the Indiana Department of Natural Resources Division of Water (IDNR) have developed a Programmatic General Permit for activities on Public Freshwater Lakes regulated under Indiana Code 14-26-2. IDNR is the lead agency for its implementation, which reduces the amount of government oversight.

The Programmatic General Permit program is specific to northern Indiana and to specific activities. Typical activities included in this permitting program include lake and river shoreline stabilization, re-facing of existing seawalls, beach construction, boat well fills, and the construction of boat ramps. Two categories of activities are covered, each with general and specific conditions, as well as specific procedures to receive the necessary permits for an activity.

Details are provided in a [Public Notice issued by USACE](#) on December 12, 2012, establishing the Programmatic General Permit for Minor Activities in Indiana. The public can view procedures and forms for obtaining a Regional General Permit in Indiana on the [USACE Louisville District Regional and Programmatic General Permits Web page](#).

USACE Standard Permit (USACE Individual Section 404 Permit)

Projects that are not eligible for authorization under a Nationwide Permit, Regional General Permit or Programmatic General Permit may require a standard permit from USACE. A USACE standard permit is also known as an Individual Section 404 Permit.

For these projects, USACE is required to evaluate and weigh the project benefits versus environmental effects, and to ensure a no net loss of wetlands. USACE must provide public notice to adjoining property owners, as well as other organizations and state and federal agencies, and generally seeks public comments for a minimum of 30 days.

IDEM Individual Section 401 Water Quality Certification (401 WQC)

Projects that do not meet IDEM's general and specific conditions for a USACE Nationwide Permit or a USACE Regional General Permit must obtain an Individual Section 401 WQC. Individual Section 401 WQC is also required for projects requiring a USACE Standard Permit.

An Individual Section 401 WQC from IDEM requires applicants to avoid impacts, minimize impacts, and mitigate unavoidable impacts. Compensatory mitigation is the replacement of aquatic resources, as allowed through the regulatory program. Wetlands are often replaced at a higher mitigation ratio than what was impacted. Wetland mitigation ratios range from 2 acres of compensation for every 1 acre of loss (2:1) to 4 acres of compensation for every 1 acre loss.

When an application is received for an IDEM Individual Section 401 WQC, IDEM is required to notify adjoining property owners. IDEM will accept public comments for at least 21 days. IDEM will review all comments it receives from the public prior to making a final decision. IDEM final decisions must be issued within 120 days from receipt of a complete application.

Indiana's Isolated Wetland Program

Isolated wetlands are a category of wetlands found in Indiana that are not regulated by the USACE under the federal Clean Water Act. The determination that a wetland is isolated can only be made by the USACE.

IDEM administers Indiana's State Regulated Wetlands Program for isolated wetlands according to Indiana law (found in Indiana Code 13-18-22). Rules found in the Indiana Administrative Code (under 327 IAC 17) create exemptions for certain sizes and class of wetlands, as well as certain activities. Classes of wetlands are defined based on a level of disturbance, type of vegetation, and hydrologic function. A Class I wetland is the lowest quality of wetland and has been disturbed by human activities that impact the soils, vegetation and hydrology of the wetland. A Class II wetland is not a Class I or Class III wetland or would be a Class III wetland except for meeting the definition of the Class I. A Class III wetland is located in a setting minimally disturbed by human activity or development and supports more than minimal wildlife or aquatic habitat or hydrologic function. A Class III wetland can also be a rare and ecologically important wetland type.

Anyone planning a project that will impact isolated wetlands must apply for authorization from IDEM, before beginning any activities. Following is information about Isolated Wetlands Permits issued by IDEM.

Isolated Wetland General Permits (IWGP)

Most projects involving impacts to Class I wetlands regardless of the acreage of impact, and most projects that will impact 0.10 acre or less of a Class II wetland are eligible for an Isolated Wetlands General Permit. To apply, a person must submit a Notice of Intent to IDEM. IDEM must complete its review and make a decision about eligibility within 30 days of receiving the Notice of Intent. If IDEM fails to act on the Notice of Intent, then the project becomes automatically authorized on the 31st day. If IDEM determines the project is beyond the scope of the Isolated Wetlands General Permit program, it will notify the applicant in writing. If IDEM determines the project is in scope, it will send written confirmation to the applicant, and include a list of conditions and a construction completion report, which must be submitted to IDEM upon completion of compensatory mitigation requirements.

Isolated Wetland Individual Permit (IWIP)

An IWIP is required for all Class II impacts greater than 0.10 acre and for all Class III impacts. For Class III impacts, an applicant is required to show the impacts are without practical alternative and are reasonably necessary.

Upon receipt of an application for an Isolated Wetlands Individual Permit, IDEM staff will review the application for completeness and inform the applicant of any missing information within 15 days. Once IDEM has declared the application complete, it will notify adjoining property owners and affected persons and publish a notice on the IDEM public notice website. IDEM will accept public comments for at least 30 days. The public may request a public hearing, which IDEM may hold at its discretion. Upon completion of the public notice and resolution of any issues identified during the notice, IDEM will issue an agency decision on the project. IDEM

has 120 days from receipt of a complete application to issue a final agency decision, not counting any time spent awaiting additional requested information.

For more information, visit [IDEM's Isolated Wetlands Frequently Asked Questions Web page](#).

Part 3: Environmental Remediation

Investigating and cleaning up environmental contamination

Environmental regulations require [petroleum and hazardous substances](#) to be effectively managed. Regulations also require timely response to accidents that can occur due to human error or equipment malfunction. Large scale and complex cases require investigation of the impacts to soil and sediments and long term remediation.

The *Citizens' Guide to IDEM* is designed to introduce citizens to IDEM and its programs. Questions concerning specific permits or sites should be directed to IDEM permit managers and project managers.

The guide is not intended as regulatory guidance. Citizens, facility owners, and facility operators who are responsible for complying with environmental regulations should consult the staff of IDEM's regulatory programs concerning permit requirements, compliance issues, and guidance on environmental remediation. Confidential assistance may be obtained through [IDEM's Office of Compliance and Technical Assistance](#) at (800) 988-7901 or (317) 232-8172.

To help ensure that the public is protected from exposure to harmful contaminants, IDEM oversees spill responses and cleanup projects. All public information about these actions is available on the Internet in the IDEM Virtual File Cabinet at www.IN.gov/idem/6551.htm.

Several sections within IDEM oversee various types of remediation projects. Following is a list that includes procedures IDEM follows to inform the public and requirements for public participation.

Defense Environmental Remediation Programs

IDEM's Defense Environmental Restoration Program (DERP) works with the Department of Defense (DoD) to conduct environmental investigations and cleanups at active, closing or formerly used military installations where hazardous substances or petroleum products were used, stored or disposed of during past operations. IDEM works to ensure that human health and the environment are protected and economic redevelopment can occur.

The DoD and IDEM also work in cooperation with U.S. EPA in the cleanup of these sites. At this time, there are eight active or closing military installations and twelve Formerly Used Defense (FUD) sites in Indiana that are being worked on.

Community involvement is built into the process to investigate and clean up a DoD site. Here are opportunities for the public to participate.

Remedial Investigation/Feasibility Study: Once the DoD identifies a site for cleanup, studies must be conducted to determine the extent of the environmental impacts and alternatives for addressing them. The DoD will work in coordination with U.S. EPA and IDEM during the investigation process. Public meetings will be conducted in coordination with U.S. EPA, IDEM, and other state and local agencies that may be involved or affected by certain cleanup activities. Where there is significant public interest, the DoD may form a Restoration Advisory Board (RAB), consisting of local citizens, local officials and representatives from state and federal agencies that are involved in the project. RAB meetings may take the place of, or be held in

addition to, public meetings concerning the project. Reports and data are made available to the public.

Decision Document (DD): The DoD must ultimately select a remedy, or cleanup action, for sites identified for cleanup. Since none of Indiana's DERP sites are Superfund sites, these decisions are memorialized in Decision Documents, or "DDs." IDEM and the public will be provided with the opportunity to participate in the decision-making process. The DoD, in coordination with U.S. EPA and IDEM, will prepare a DD for public review and accept public comments for a minimum of 30 days. A public meeting is also held to explain the DD, answer questions, and accept oral comments. After reviewing all comments submitted by the public on the proposed plan, the DoD will make a final decision on the remedy, in coordination with U.S. EPA and IDEM. The DD will contain responses to all public comments received on the DD. The DD is available to the public.

Five Year Review: A review of a cleanup must begin every five years after the start of the remedy construction, and continue every five years for as long as there are contaminants at the site that do not allow for unrestricted use. As part of this process, the DoD will hold community meetings and conduct one-on-one interviews with community members. DoD will also coordinate with U.S. EPA, IDEM and other federal, state or local agencies during the five year review process. Five Year Review documents are made available to the public.

Site Closure: When the DoD, U.S. EPA and IDEM determine that cleanup goals have been achieved and no further action is necessary at a DoD cleanup site, it can be eligible for site closure. Site documents and data used to reach the determination are made available for the public.

For more information, visit [IDEM's Federal Programs Web page](#).

Emergency Response

IDEM's Emergency Response Section operates Indiana's 24-hour emergency spill line and oversees cleanups during emergency incidents. The program facilitates swift, effective action to stop, contain and cleanup accidental spills to soil and water. Emergency Response Section on-scene coordinators routinely work with local fire departments, hazmat crews, health officials, and responsible parties to ensure the protection of public health and the environment during environmental emergencies. More information is available on [IDEM's Emergency Response Web page](#). Citizens should report environmental emergencies to IDEM's spill line at 1-888-233-7745.

***Report Environmental Emergencies
24 Hours a Day, 7 Days a Week (Holidays
and Weekends)***

Inside the United States: (888) 233-7745

Outside the United States: (317) 233-7745

Hazardous Waste - RCRA Corrective Action

RCRA Corrective Action refers to requirements for investigating potential releases and performing cleanups necessary to protect public health and the environment. RCRA Corrective

Action requirements apply to permitted treatment/storage/ disposal facilities, or TSDFs, and TSDFs that operated in the past under interim status, including those that operated without notifying U.S. EPA. Both IDEM and U.S. EPA have authority to enforce and oversee RCRA Corrective Action in Indiana. For permitted facilities, IDEM will issue a Hazardous Waste Permit describing the corrective actions necessary. For all other facilities, IDEM and the responsible party for the TSDF may enter into a Voluntary Corrective Action Agreement or a Corrective Action Agreed Order.

Evaluation of Sources, Releases, and Remedies

The first step in the Corrective Action process is identifying potential sources of releases of hazardous wastes or constituents into the environment. Potential sources include regulated units, solid waste management units, and areas of concern. For Corrective Action purposes, hazardous wastes include any chemical that may pose a substantial present or potential hazard to human health or the environment. After identifying potential sources, the facility must determine if a release has occurred and, if so, establish the release's nature and extent.

After identifying the potential sources, the facility's first requirement is to conduct a RCRA Facility Investigation, or RFI, to identify whether a release occurred and to what extent soil or ground water is affected. After sufficient information on the release is collected, IDEM determines if further action is necessary.

If IDEM determines there is a need to address contamination, the responsible party must evaluate and recommend a potential remedy. This can be done formally through what is known as a Corrective Measures Study, or CMS, or informally, drawing from the universe of remedies known to be effective. In either case, IDEM will evaluate the proposal, carefully review cleanup alternatives the facility wishes to implement, and work with the facility to resolve concerns.

Statement of Basis and Public Notice

After evaluating all relevant information, IDEM prepares a Statement of Basis, which documents IDEM's recommendation regarding the facility's findings. For example, if it is determined there is no need for further investigation or cleanup, IDEM will recommend "no further action." However, if a cleanup is necessary, IDEM will describe the cleanup activities that are required. If contamination is to remain in place, IDEM will specify the controls necessary to protect human health and the environment. Where a permitted facility is going through the process, the facility must modify its Hazardous Waste Permit to conduct the required corrective actions.

Before making a final determination, IDEM publishes a Public Notice in the local newspaper seeking comments on the Statement of Basis; the comment period lasts a minimum of 30 days. In addition to submitting comments, the public may request a hearing. After the public comment period has ended and the hearing has been held, if applicable, IDEM will review all comments, make a final decision, and send notice of the final decision and responses to comments to potentially affected and interested parties, including all people who submitted comments. To find more information about hazardous waste permits and RCRA Corrective Action, visit the [Hazardous Waste section of the IDEM Permit Guide](#) and [IDEM's RCRA Corrective Action Web page](#). Also see the information about hazardous waste permits in Part 2: Environmental Permits in this guide.

Indiana Brownfields Program

The Indiana Brownfields Program (IBP) is administered by the Indiana Finance Authority (IFA). IDEM project managers work in coordination with IFA to provide technical environmental oversight to communities on projects to assess, investigate, remediate and redevelop sites where redevelopment is complicated due to actual or potential environmental contamination. The IBP also provides liability clarifications to prospective brownfield buyers through issuance of a comfort letter. Financial assistance for site investigation and/or cleanup may be available for projects meeting applicable funding criteria. For information, visit the [Indiana Finance Authority's Web page for the Indiana Brownfields Program](#).

Leaking Underground Storage Tank Program

IDEM's Leaking Underground Storage Program oversees the environmental investigation and cleanup of soil and ground water contaminated by underground releases or surface spills of petroleum such as gasoline or other chemicals from underground storage tanks and systems.

When a facility suspects or confirms a release, it must notify IDEM. IDEM, in turn, must notify the local county health department of confirmed releases and spills. The local county health department must publish a notice in a newspaper of general circulation to inform area residents.

Underground storage tank owners and operators are responsible for investigating the impacts of releases and spills, and implementing any cleanups that may be necessary. This process requires the development of a Corrective Action Plan, or CAP. IDEM ensures notification of affected party(s) regarding the CAP when one is required. When the cleanup goals are achieved, IDEM issues a no further action determination.

For more detailed information about underground storage tanks and cleanups, visit IDEM's Web pages on Leaking Underground Storage Tanks (LUSTs) program sites at www.IN.gov/idem/4997.htm and www.IN.gov/idem/4999.htm, respectively. You may also download the "Citizen's Guide to Underground Storage Tanks" at www.IN.gov/idem/files/factsheet_ust_citizens_guide.pdf.

Program contact: Telephone – (317) 232-8900; Email – LeakingUST@idem.IN.gov.

Natural Resource Damage Assessment

Natural resource damages are addressed through a partnership of federal and state agencies, including U.S. EPA, U.S. Fish and Wildlife Service, IDEM, and the Indiana Department of Natural Resources. Where there are releases of hazardous substances or petroleum to the environment, federal and state agencies will work together to assess the damages to resources, pursue cost recovery for damaged resources, and allocate monies recovered for restoring, replacing, or acquiring equivalent natural resources.

Individuals designated as Natural Resource Trustees conduct Natural Resource Damage Assessments (NRDAs) to calculate the monetary cost of restoring injuries to natural resources that result from releases of hazardous substances or discharges of oil. Damages to natural resources are evaluated by identifying the functions or 'services' provided by the resources, determining the baseline level of the services provided by the injured resource(s), and quantifying the reduction in service levels as a result of the contamination. IDEM and DNR have designated trustees to help manage NRDA projects in Indiana.

Here are the steps in the NRDA process.

- The first step is a pre-assessment screening. This helps determine if action is warranted.
- If the pre-assessment screening determines action should be taken, the trustees will then develop an Assessment Plan to outline procedures, studies and data that needs to be gathered.
- The next step will be to implement the Assessment Plan, to determine the nature of the damages (or injury) and identify the functions or services that have been lost as a result of the damages.
- The trustees will then prepare a Report of Assessment, which contains their findings. The Report of Assessment may contain one or more alternatives for restoring the damaged natural resources.
- Finally, the trustees will work to implement restoration projects.

As they work through each part of the process, the trustees will keep the public informed through a variety of outreach methods such as circulating fact sheets, hosting and attending public meetings, publishing announcements in local newspapers, and posting information and updates on agency websites. IDEM, DNR, U.S. FWS and U.S. EPA routinely hold joint meetings to share findings, plans, and update the public on the status of restoration projects. IDEM provides information about NRDA projects on its website at www.in.gov/idem/4131.htm.

Site Investigation Program

IDEM's Site Investigation Program will investigate reports of contamination at sites that are not being investigated or managed through any other state or federal cleanup programs. U.S. EPA provides the funding for the investigations conducted by IDEM's Site Investigation Program.

When IDEM receives a report of a contaminated site that is not otherwise being addressed, the Site Investigations Program will conduct an initial screening, referred to as a Pre-CERCLIS screening. "CERCLIS" stands for the Comprehensive Environmental, Response, Compensation and Liability Information System. If the initial review of past or current activities indicates contamination may exist, IDEM will work with U.S. EPA to add the site to the CERCLIS database. IDEM will then study soil and ground water to confirm whether or not contamination is present and, if so, who may be affected by this contamination. IDEM will work to inform area residents about these investigations by holding public meetings and/or distributing fact sheets.

All of the sites that are investigated through IDEM's Site Investigation Program are assessed using U.S. EPA's Hazard Ranking System. This numerical screening system is used to assess the likelihood that there has been a release to the environment; the toxicity and quantity of the

released materials; and the effect of the release on people or sensitive environments. The assessment includes whether people could be exposed to contamination in ground water, surface water, soils, or air.

No action is necessary where no threat exists for public health or the environment. Sites that score at or above 28.50 on the Hazard Ranking System scale will be referred to U.S. EPA's Superfund Program for assistance. Sites that score below 28.5 but pose a risk to the public health or environment will be referred to IDEM's State Cleanup Program or IDEM's Voluntary Remediation Program for action.

More information about U.S. EPA's Superfund Program, IDEM's State Cleanup Program and IDEM's Voluntary Remediation Program are provided below. For more information about the IDEM Site Investigations Program, visit IDEM's website at <http://www.in.gov/idem/4143.htm>. For information about CERCLIS, visit U.S. EPA's website at <http://www.epa.gov/superfund/sites/cursites/>. Citizens can submit sites to IDEM's Site Investigation Program by using IDEM's online complaint form at <http://www.in.gov/idem/5275.htm>.

State Cleanup Program

The State Cleanup Program is divided into three programs for management and oversight of the remediation of contaminated sites:

1. State Cleanup
2. Independent Closure Process
3. Immediate Removals

The primary goal of the State Cleanup Program is to mitigate risk to human health and the environment at the highest priority sites contaminated with hazardous substances through investigation, remediation, risk assessment, and management. The secondary goal of the State Cleanup Program is to provide timely closure of environmental issues at lower priority sites to promote property redevelopment. For additional information on the State Cleanup Program, visit IDEM's website at www.idem.IN.gov/4179.htm.

Investigation and remediation of sites or properties contaminated with hazardous substances or petroleum which do not qualify for coverage under the Superfund Program described below may be addressed by the state. State Cleanup utilizes the Priority Ranking System (PRS) for Hazardous Substances Response Sites (329 IAC 7.1) as the state rule that provides the structure and method for prioritizing contaminated sites that are not on the National Priorities List (for state response actions). The PRS rule serves as the state's management tool to address those sites that pose a significant threat to human health and the environment and ensures the department's resources are allocated accordingly. Hazardous substances and petroleum contaminated response sites that are evaluated utilizing the PRS rule are given a priority ranking of high, medium or low based upon contaminant type and risk. If the site is determined to be a high priority or a medium priority contaminated with hazardous substances or chlorinated solvents, the site will be assigned to a project manager. If the site is determined to be a low priority or medium priority contaminated with petroleum, it will be placed into the Independent Closure Process. More

information on the State Cleanup prioritization, investigation and remediation process can be found at the website listed above.

Independent Closure Process

The State Cleanup Program created the Independent Closure Process (ICP) to address the backlog of low priority sites and medium priority sites with petroleum contamination in the State Cleanup Program. The ICP applies to and is only used by State Cleanup to manage its workload while allowing site owners or potentially responsible parties a process to achieve site closure with minimal oversight by State Cleanup project managers. The ICP creates a self completion and certification system which allows sites to complete investigation, remediation, and site closure without IDEM's direct oversight.

Requirements for closure approval under the ICP include:

- Delineation of contamination to *Remediation Closure Guide* residential screening levels.
- Cleanup to land-use appropriate *Remediation Closure Guide* residential screening levels at default closure levels, or ten times the residential screening level for commercial sites.
- Implementation of institutional controls.

In order to receive closure approval from State Cleanup, a completed *Independent Closure Process Site Closure* (State Form 54166) and all completed environmental reports must be submitted to IDEM within one year from the time of notification to proceed with the ICP, or within three years for a medium priority site. The reduction of direct oversight by IDEM does not relieve responsible parties or consultants from the legal requirements of reporting releases, investigation and cleanup. More information on the ICP can be found at www.idem.IN.gov/4179.htm.

Immediate Removals

The Immediate Removals Program provides time-critical removal of hazardous substances or pollutants that are considered an imminent and substantial endangerment to public health and/or the environment. For Immediate Removal's purposes, "time critical" is defined as action that needs to be initiated within six months. The goal of the program is to separate the hazard from potential receptors. Please note this program is intended to remove immediate dangers, not to perform a full-scale remediation effort.

The Immediate Removals Program typically addresses sites with abandoned drums of hazardous materials, waste tire piles, and various abandoned industrial and commercial facilities. Typical actions conducted at these sites include fencing, sampling, overpacking and disposing of drums, and source removal.

Superfund

Superfund refers to the federal government's cleanup program for contaminated sites that pose a significant threat to public health and the environment. Where the level of contamination goes beyond what the state can address, and if the site meets the applicable listing criteria as determined by the Site Investigation Program, IDEM will request EPA propose the site for the National Priorities List, or Superfund. Once the site is listed, U.S. EPA generally takes the lead on the necessary environmental investigations and cleanups. The companies or parties that

caused the contamination are generally responsible for funding the cleanups, but if no responsible party is found, U.S. EPA will typically cover 90 percent of the expenses for such projects, and Indiana will typically provide a 10 percent match.

Community involvement is built into the process to investigate and clean up a Superfund site. Here are opportunities for the public to participate.

Adding a Site to the National Priorities List. To receive Superfund funding from the federal government, a site must be placed on the National Priorities List by U.S. EPA. Indiana works primarily through its Site Investigation Program to identify and refer sites to U.S. EPA.

If the data IDEM presents to U.S. EPA shows that a site qualifies for the Superfund program, U.S. EPA will propose to add it to the National Priorities List and seek public comment for a minimum of 30 days before making a final decision. When U.S. EPA issues a final decision, notification is also published in the Federal Register. Reports and data supporting the Superfund proposal are made available to the public.

Remedial Investigation/Feasibility Studies: Once a site is added to the National Priorities List, studies must be conducted to determine the extent of the environmental impacts, what risk those impacts may pose to the public now or potentially in the future, and alternatives for addressing them. U.S. EPA and IDEM work in partnership during the investigation process. U.S. EPA will often be the lead agency, and will conduct public meetings in coordination with IDEM. Often, U.S. EPA or IDEM staff members will go door-to-door to provide fact sheets and information to residents and listen to concerns. Reports and laboratory data from the investigation are made available to the public.

Record of Decision (ROD): U.S. EPA must ultimately select a remedy, or cleanup action, for Indiana sites that are placed on the National Priorities List. IDEM and the public will be provided with the opportunity to participate in the process. U.S. EPA, in coordination with IDEM, will prepare a Proposed Plan for public review, and accept public comments for a minimum of 30 days. U.S. EPA will also hold a public meeting to explain the Proposed Plan, answer questions, and accept oral comments. After reviewing all of the comments submitted by the public, U.S. EPA will make a final decision on the remedy. The details will be provided in a document called a Record of Decision, or ROD. The ROD contains a Responsiveness Summary, which is the responses to all public comments received on the ROD. The ROD is available to the public.

Five Year Review: A review of a cleanup must begin every five years after the start of remedy construction, and continue every five years for as long as there are contaminants at the site that do not allow for unrestricted use. As part of this process, U.S. EPA and IDEM will hold community meetings and conduct one-on-one interviews with community members. Five Year Review documents are made available to the public.

Deletion of Sites from the NPL: When a Superfund site has reached all of its cleanup goals as stated in the ROD, it can be deleted from the National Priorities List. Prior to the deleting the

site, U.S. EPA must publish a notice in the Federal Register and accept public comments. Site documents are made available to the public.

For additional information, visit IDEM's website at www.idem.IN.gov/4152.htm or U.S. EPA's website at www.epa.gov/superfund.

Voluntary Remediation Program

The Voluntary Remediation Program (VRP), established by the state legislature in 1993, provides a mechanism for site owners, operators, or potential purchasers to voluntarily enter into an agreement with IDEM to address (by investigating, and if necessary remediating) contaminated property. Participants are typically current or past property owners, current or past lessees, and prospective purchasers. Local units of government who have obtained property by default, or have an interest in developing property may also participate.

Participants who complete a remedial project under VRP are issued a Certificate of Completion from IDEM and a Covenant Not To Sue from the Governor's Office. These documents ensure that the owner or operator of the site will be able to proceed with reuse of the site without concern that it may be subject to further enforcement action by IDEM, or that they could be subject to further liability at some later date.

VRP sites include a wide variety of properties, including active and abandoned industrial properties, facilities with petroleum storage, commercial properties, manufactured gas plants, and dry cleaning operations. Typical remedial strategies for VRP sites include a variety of active remediation technologies up to and including soil excavation and removal, ground water treatment, mitigation of harmful vapors, and use of institutional controls such as environmental restrictive covenants to prevent exposure to contamination above risk based levels.

VRP participants sign a Voluntary Remediation Agreement (VRA) with IDEM. Their first step is to perform an environmental investigation to determine the nature and extent of the contamination and the impacts to soil and ground water. They then need to prepare and submit a Remediation Work Plan (RWP) to IDEM for approval. The RWP contains details about the findings of the investigation, the way the property owner intends to use the site once it is cleaned up, and what, if any, measures they plan to implement to achieve those cleanup goals.

VRP sites are directed to adhere to IDEM's VRP Community Relations Plan (<http://www.in.gov/idem/files/communityrelations.pdf>). When the RWP is submitted to IDEM, the participants must notify property owners or occupants who may be interested in or affected by the project. In some cases, the participant must post a sign to help inform the public about activities being performed at the site.

Before the agency approves a proposed RWP, the document is subject to a 30-day public comment period. An advertisement announcing the public comment period is placed in the local newspaper and on IDEM's website, and a physical copy of the RWP is made available for public review and comment at the local library closest to the site. A public hearing may also be held if requested during the public comment period for the RWP. In addition, the RWP and all other

documents pertaining to a VRP site are available online on IDEM's Virtual File Cabinet (<http://108.59.49.89/Pages/Public/Search.aspx>), and the IDEM project manager for each site is available by telephone to address public inquiries or concerns.

For more information, please visit IDEM's website at <http://www.in.gov/idem/4127.htm>, or contact the VRP Section Chief at (317) 234-0966 or, toll free, at (800) 451-6027, ext. 4-0966.

Part 4: Environmental Reports, Plans and Other Procedures

Indiana Annual Ambient Air Monitoring Network Plan

IDEM operates a network of air monitors to gather information about the quality of our ambient air. Several different types of monitors are located in many areas of the state to collect data on a number of pollutants and atmospheric conditions.

Some monitors operate continuously, using different light absorbent or fluorescent technology to determine concentrations. The data are transmitted wirelessly to IDEM's data base for storage and presentation on the public website. Other instruments collect air samples on an intermittent schedule. Some use filters, which are collected by staff for analysis.

The monitoring sites are generally placed in populated areas to determine overall conditions, or near roads and industries to determine source influence. They collect data on a variety of pollutants including carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter and fine particulate matter, sulfur dioxide, and air toxics. They help us monitor for the pollutants that cause ozone pollution to form. We use them to identify the microscopic moisture droplets and solid bits that form the fine particles in our air. The data from monitors helps us identify sources in our community, as well as pollutants that travel on the wind from other states. We also use monitoring to identify population exposure.

Each year, IDEM must evaluate its monitoring network and submit a revised monitoring network plan to U.S. EPA. The deadline is July 1. The plan will contain details about the current monitoring network and any changes IDEM may propose for the coming year. Before it makes its final decision, IDEM will provide the public with the opportunity to review and submit comments on its proposed Ambient Air Monitoring Network Plan. IDEM informs the public of this opportunity by posting information on its website and publishing a notice in the Indiana Register.

For more information, visit <http://www.in.gov/idem/airquality/2389.htm>.

The Integrated Report and the 303 (d) List of Impaired Waters

All states are required to prepare and submit the Indiana Integrated Water Monitoring and Assessment Report (IR) to U.S. EPA, every two years, on even years. IDEM submits this report in order to fulfill the requirement to report on the condition of Indiana surface waters, which is found in Section 305(b) of the Clean Water Act. The IR also includes a list of impaired waters, commonly referred to as Section 303 (d) list of impaired waters, which is required by Section 303(d) of the Clean Water Act.

The purpose of developing the 303(d) List of Impaired Waters is to identify waters where data show where the existing pollution control for activities in the watershed may not be sufficient to maintain water quality in the stream. The listing also is used to identify priorities for preparing

Total Maximum Daily Loads, which are detailed calculations and reports exploring what activities could be causing poor water quality and ways for the community to go about solving the problem.

In order to evaluate the water quality of Indiana waters and identify those waters in Indiana that are impaired, IDEM's scientists visit rivers and streams throughout the state to collect samples of water, sediments, fish and other forms of aquatic life. Water samples are analyzed in laboratories to check for levels of bacteria, dissolved metals, and chemicals. In order to determine the health of fish and macro invertebrates living in streams, IDEM samples the resident communities and evaluates its condition against what is considered a healthy community for Indiana streams. The data IDEM collects from its monitoring activities is reviewed to determine if Indiana's water quality standards are met. This information is compiled for the IR, and any waters that are found to be impaired (not meeting Indiana's water quality standards) are added to the 303(d) list.

Both the IR and the 303(d) list are required by U.S. EPA every two years, on even numbered years by April 1.

At the same time, Indiana state law requires IDEM to accept public comments on the 303 (d) list of impaired waterways for a minimum of 90 days. When the listing is available for public comment, IDEM publishes a notice in the Indiana Register. IDEM will also present the list to the Indiana Environmental Rules Board, which may accept comments from the public. A public hearing is not required. Members of the public who wish to be notified by email of the public comment period for the 303(d) list may send their email address to IDEM's Integrated Report Coordinator. During the public comment period, IDEM also encourages the public to review and provide input on the Consolidated Assessment and Listing Methodology, or CALM, that the agency uses for making water quality assessments and decisions about how waters are placed on the impaired waters listing.

At the conclusion of the 90 day public comment period, IDEM will review all comments it has received and prepare a summary response. IDEM includes all public comments received along with its summary and responses to U.S. EPA as an addendum to the Integrated Report.

IDEM's most recent Integrated Report can be found online at: <http://www.in.gov/idem/nps/2639.htm>. All of the documents pertaining specifically to the 303(d) List of Impaired Waters can also be found on its website for the public to review at: <http://www.in.gov/idem/nps/2647.htm>.

Wellhead Protection Plans

To protect ground water resources from contamination, community water systems must develop and implement plans for protecting the areas around their wellheads. There are two phases to implementing a Wellhead Protection Plan.

During the first phase (Phase I), the community water system must identify the area of protection, identify certain chemicals and activities that should be prohibited in that area, identify

ways to heighten traffic safety in the area of the wellhead, and develop plans for ensuring its security. The community water system must also organize a local planning team consisting of government officials and individuals to represent all interests of the community.

In the second phase (Phase II), community water systems must put their plans into action.

Once Wellhead Protection Plans are implemented, community water systems must review them every five years and submit updates to IDEM.

There are three formal opportunities for citizens to be involved in the planning process, including:

- When the local community prepares to form its local planning team, it must provide notice to citizens that a Wellhead Protection Plan is going to be developed for their ground water resources.
- When IDEM receives and approves a Wellhead Protection Plan, it publishes a notice in the local newspaper and posts a public notice on the agency website. There are 15 days provided for individuals who object to file an appeal with Indiana's Office of Environmental Adjudication.
- When IDEM receives and approves a Phase II Wellhead Protection Plan, it will post a public notice on the agency website. And once again, there are 15 days provided for individuals who object to file an appeal with Indiana's Office of Environmental Adjudication.

More information is provided at <http://www.in.gov/idem/4289.htm>.

Regional Districts

A regional district is a form of local government that provides drinking water, sewers, and/or solid waste management (trash removal) for homes and businesses within an established service area. The requirements for creating new districts are found in the Indiana Code at IC 13-26. Decisions about forming new districts are made at the local level. IDEM's role is to ensure districts are formed according to the legal and technical requirements specified in IC 13-26.

Most districts are formed in unincorporated areas within a county. The formation process begins when IDEM receives a formal petition, or request, from a "fiscal body" of local government in the area of the proposed district. IDEM does not initiate the action, but is legally required to ensure the formation process goes through all of the steps required by state law. Here are the steps in the process:

The *Citizens' Guide to IDEM* is designed to introduce citizens to IDEM and its programs. Questions concerning specific permits or sites should be directed to IDEM program staff.

The guide is not intended as regulatory guidance. Citizens, facility owners, and facility operators who are responsible for complying with environmental regulations should consult the staff of IDEM's regulatory programs concerning permit requirements, compliance issues, and guidance on environmental remediation. Confidential assistance may be obtained through [IDEM's Office of Compliance and Technical Assistance](#) at (800) 988-7901 or (317) 232-8172.

- A petition, or formal request, is submitted to IDEM by a "fiscal body" of local government. Fiscal bodies include political subdivisions, which include incorporated counties, townships, cities, towns or conservancy districts.
- The petition must address a number of issues, including the purpose of forming the district, the territory to be served, the public benefits, how the district board may be structured, estimates for project costs, potential rates and charges, and funding sources.
- Following an initial review of the petition, IDEM will hold a formal public comment period for a minimum of 30 days, during which time citizens may send written comments to IDEM. As part of the process, IDEM will also hold a public hearing to provide an opportunity for citizens to speak about the proposed district on the record. IDEM will include information on the time, date and location of the hearing in a public notice about the comment period, and arrange for public notice to be printed four times in the local newspaper within the 14 days prior to the date of the hearing.
- Following the close of the public comment period, IDEM will complete its review of all information concerning the proposed district, work to address citizen concerns and questions, and reach a final decision about whether or not to sign an order for the district's formation.
- If IDEM signs an order, it will notify the public by publishing a Notice of Decision in the local newspaper and will mail a copy of the Notice of Decision to citizens who requested to be notified. IDEM will also post information on its website.

All interested parties are encouraged to review pending petitions and participate in the review process. IDEM provides a Regional District Users Guide for Citizens and Government on its website at www.idem.IN.gov/6186.htm.

State Implementation Plans (SIPs)

A State Implementation Plan, or SIP, is a formal plan that each state must submit to U.S. EPA. SIPs contain details about how the state plans to limit air pollution from pollutant sources in the state. Primary examples of pollutant sources are industries and vehicles.

A SIP will typically include the state's plans for a monitoring program to collect data on the quality of the ambient air, an inventory of emissions from the sources of air pollution in the state, calculations and predictions on future trends, strategies for reducing emissions.

Where air quality is determined to be poor, SIPs include the formal adoption of measures that are deemed necessary for reducing emissions so that air quality will improve. There must be a periodic review of the SIP, to evaluate whether planned reductions are being achieved and whether air quality standards are sufficient for protecting public health and the environment.

SIPs have many components, including:

- Infrastructure SIPs, of the part of the SIP that documents Indiana's legal authority, regulatory structure, and resources to implement federal air health standards in all parts of the state.
- Attainment Plans, or plans for areas with poor air quality. Attainment Plans describe the measures Indiana will take to improve the area's air quality so that it meets standards.

- Maintenance Plans, or plans that describe the measures Indiana will take to maintain clean air in a certain area. Maintenance Plans are required for areas where air quality has improved from being poor to meeting the federal standard(s).
- Program SIPs. These are plans that Indiana develops to implement certain requirements of the federal Clean Air Act. A primary example is a motor vehicle inspection and maintenance plan that U.S. EPA requires for areas that do not meet standards for carbon monoxide or ground level ozone pollution.

Indiana's SIP contains all of these components, as well as several SIPs for the control of certain pollutants in certain areas of the state. Because standards go through a periodic review and revision at the federal level, and because air quality can change over time (improve or worsen), Indiana's SIP is a living document that is constantly under revision.

When IDEM proposes to make changes to Indiana's SIP or any of its components, IDEM will seek public comment before making a final decision. Proposed changes to Indiana's SIP that involve rulemakings are announced in the Indiana Register. Public hearings for these types of SIPs or SIP revisions take place during meetings of the Indiana Environmental Rules Board. IDEM seeks public comments through public notices and provides opportunity for a public hearing for SIP revisions that do not involve rulemakings, as well.

Designations and Redesignations

Federal and state rules require all areas of Indiana to meet national air health standards for the six criteria pollutants. The criteria air pollutants are ozone (O₃), particulate matter (PM), carbon monoxide (CO), lead (Pb), nitrogen oxides (NO₂), and sulfur dioxide (SO₂).

Indiana operates a statewide air monitoring network to monitor for the criteria pollutants in the ambient air. Where areas do not meet the federal air health standards for one or more pollutant, the area may be classified as *non-attainment*.

Indiana must take action to reduce harmful emissions in non-attainment areas so that air quality improves and standards are met. Meeting the standard is referred to as *attainment*.

When air quality in a non-attainment area improves to the point where the standard is being met, U.S. EPA may redesignate the area to attainment status.

Designations and redesignations are formal processes that include changes to Indiana's SIP. For more information about Indiana's SIP, designation and redesignation, visit www.in.gov/idem/airquality/2335.htm#sip-infra.

Part 5: Environmental Rules

Laws and rules

What is a Law?

It probably isn't necessary to explain that our laws set standards of conduct that everyone is expected to follow. Or that the process for making a new law is handled in the Indiana General Assembly.

Who Develops Indiana's laws?

When Indiana's legislators meet each year from January to March or April, state senators and state representatives propose new bills that, if adopted, become new laws, if adopted and signed by the governor.

What is the Difference Between a Law and a Rule?

The language contained in laws is often broad and general. Rules are developed to provide additional detail needed about how laws will be implemented and enforced.

Who Develops Indiana's Environmental Rules?

When new environmental laws are passed in Indiana that require rules to implement them, IDEM works with the Indiana Environmental Rules Board to develop the detailed rules necessary for their implementation and enforcement. IDEM also works with the Indiana Environmental Rules Board to develop rules necessary to implement new federal regulations that Indiana must comply with. The types of details found in Indiana's environmental rules include the types of operations or facilities that must comply, what is required of those operations, and how compliance will be monitored.

How Are Indiana's Rules Developed?

IDEM does not work alone. Aside from the many public comment periods on draft rule language required by Indiana law, it is common for outside groups and other government agencies to be actively involved in rule development. IDEM staff perform the bulk of research required to develop the language for rules. Interested parties, including environmental groups, businesses, academia, individuals, and the U.S. EPA may review and provide feedback on proposed rules before they are finalized and adopted. IDEM may coordinate workgroups to gather and process comments and make presentations to interested groups. IDEM rules staff members serve as the public's contact.

The Indiana Environmental Rules Board has 16 members who are responsible for reviewing, voting, and making final decisions about all of the rules IDEM develops. The IDEM commissioner serves as a non-voting member of the board. The other voting members include 11 individuals who are appointed by the governor to represent various public interests and four individuals from other state government agencies.

Developing a rule usually takes a minimum of about 18 months. There are at least three times set aside during the rulemaking process for citizens to review and comment on the language that is being proposed.

Public Notification About New Rules

Official public notices appear in the *Indiana Register* announcing actions and public comment opportunities on rulemaking activities. IDEM posts extensive information on its website. The public can visit www.idem.IN.gov for the Environmental Rules Board meeting agendas, a listing of current rules, and public comment opportunities. IDEM staff members who are assigned to develop rules also send mailings and e-mails to interested parties.

Following is an overview of steps in the process to develop a new rule and the time that is set aside for public comment.

First Notice

When it is time to begin the process to develop a new rule or change an existing one, IDEM will announce it by publishing a “First Notice” in the *Indiana Register*. *The Indiana Register* <http://www.in.gov/legislative/register/irtoc.htm> is published on the Internet and provides the full text of proposed rules, final rules, and other documents, such as Executive Orders and Attorney General’s Opinions.

The First Notice announces that the agency has started work to develop new rules language and what the new rule will address or, if it already exists, how the rule will be changed. The first notice does not usually have the language of the new rule because the work to develop it is only just beginning. Once the First Notice is published, citizens have at least 30 days to send written comments to IDEM.

Second Notice

When IDEM has written a first draft of the rule’s language, a “Second Notice” will be published in the *Indiana Register*. The language will be provided for the public to review, along with any comments that were submitted during the First Notice. The public will have at least 30 days to submit comments on the draft language. (If the agency is working to amend an existing rule, the public will be able to review the changes. New language will be shown in **bold** and language that is being removed will be ~~crossed-out~~.)

Public Hearing for Preliminary Adoption

The Public Hearing for Preliminary Adoption happens during a meeting of the Environmental Rules Board. IDEM and the public have the opportunity to give oral comments, or testimony, to the board, before its members vote on the preliminary adoption of the rule.

Third Notice (if required)

After a rule is preliminarily adopted at the Public Hearing for Preliminary Adoption, it is published in the *Indiana Register*. A third public comment period (known as Third Notice) of a minimum of 21 days may be required if the draft rule language changed substantively between the second notice published in the *Indiana Register* and the language presented for preliminary adoption. Additional work group meetings may also be held.

Public Hearing for Final Adoption

A Second Public Hearing for Final Adoption occurs before the Environmental Rules Board votes on the final adoption of the rule. IDEM and the public are provided an opportunity to give oral comments, or testimony, to the board, before its members vote on final adoption. The board can vote to adopt amendments suggested by IDEM, members of the board, or by members of the audience. The board can also direct IDEM to hold more meetings if more time is needed to further develop and finalize the rule.

Final Adoption of the Rule

After the board adopts the rule as final, IDEM sends the adopted rule and supporting documents to the Indiana Attorney General for review and approval of the rule. Next, the governor reviews and signs the rule. If approved, the rule is then filed with the Publisher of the Indiana Register. The rule becomes effective 30 days after filing and the final rule is published in the Indiana Register.

Final rules published in the Indiana Register are later codified in the Indiana Administrative Code. (Other documents, such as notices, Executive Orders, and Attorney General's Opinions that are posted on the -IR- Database Website are not subsequently published in the IAC.)

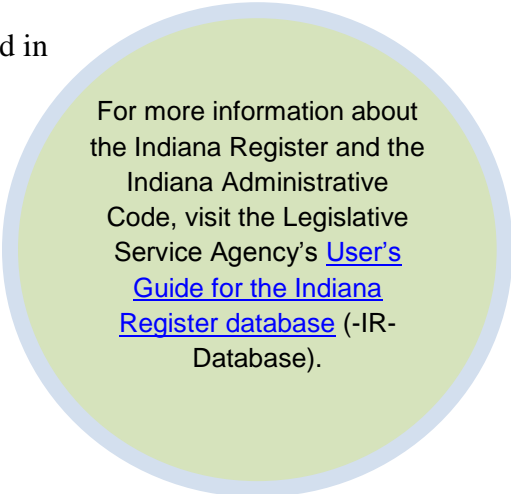
Where to Find Indiana's Laws and Rules

Indiana's laws (also referred to as statutes) are found in the Indiana Code (IC). The Indiana Code contains 36 Titles—environmental laws are found in Title 13.

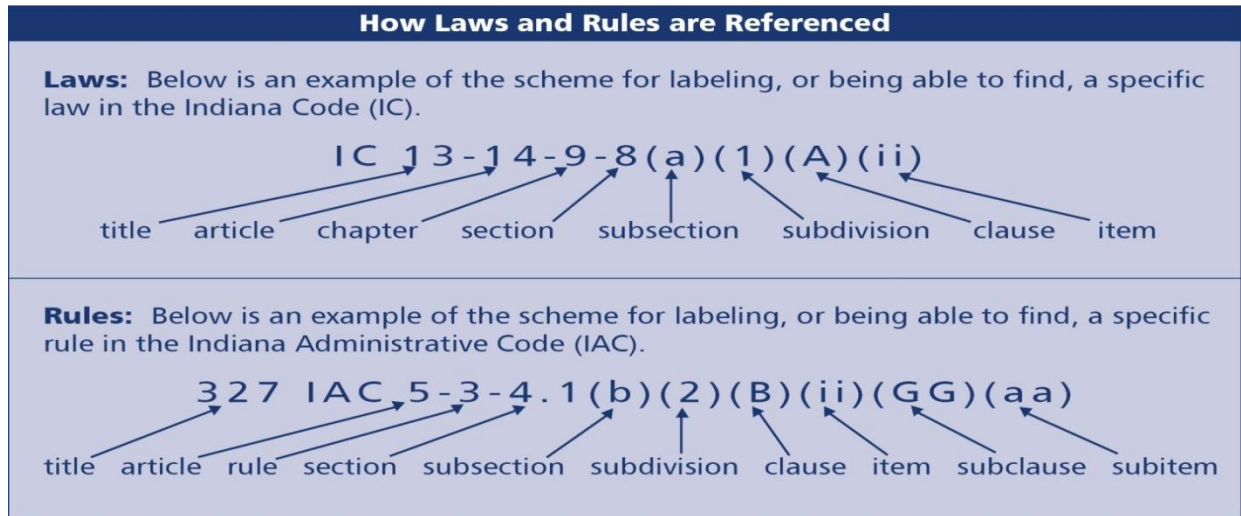
Indiana rules are found in the Indiana Administrative Code (IAC). Most of Indiana's environmental rules are listed under Title 326 (air pollution), Title 327 (water pollution), and Title 329 (waste management).

Non-rule Policy Documents

A Non-rule Policy Document (NPD) is a policy document IDEM writes to provide the public with guidance on the environmental rules and laws IDEM enforces. An NPD is to be used for reference, along with rules and laws. NPDs go into effect 30 days after they are presented to the Environmental Rules Board. Before presenting a proposed NPD to the Environmental Rules Board, IDEM is required to publish it on the IDEM website and accept public comment for at least 45 days. NPDs can be found on [IDEM's Nonrule Policies Web page](#). After a NPD has been presented to the Environmental Rules Board it is published as a final NPD in the Indiana Register.



For more information about the Indiana Register and the Indiana Administrative Code, visit the Legislative Service Agency's [User's Guide for the Indiana Register database](#) (-IR- Database).



The *Indiana Code* is organized by Title, Article, Chapter, and Section. The *Indiana Administrative Code* contains Indiana's rules. The Indiana Administrative Code is organized by Title, Article, Rule, and Section. Here is how statute and rules are referenced.

Part 6: More Information

Following are additional ways to work with IDEM to ensure cleaner air, land and water, and links for finding additional information.

Environmental Emergencies (Reporting)

IDEM's Emergency Response Section works with other local, state, and federal agencies to protect public health and mitigate harm during spill events and environmental emergencies.

Citizens should report spills of hazardous materials, oil spills, air releases and fish kills to IDEM's 24-hour, toll free spill line at 1-888-233-7745 (inside the United States) or 1-317-233-7745 (outside the United States).

Visit [IDEM's Emergency Response Web page](#) to learn more.

***Report Environmental Emergencies
24 Hours a Day, 7 Days a Week (Holidays
and Weekends)***

Inside the United States: (888) 233-7745

Outside the United States: (317) 233-7745

File a Pollution Complaint

Citizens can report polluting activities to IDEM. Complaints IDEM responds to include: illegal open burning of trash or other materials; illegal asbestos removal; fugitive dust; improper use of outdoor hydronic heaters; illegal open dumping of trash or other debris; improper manure handling and storage by regulated farms; improper handling and storage of hazardous wastes; problems with drinking water systems; problems with wastewater systems; polluted storm water run-off from construction or industrial activities; illegal activities in wetlands.

There are three ways to file a complaint with IDEM: [Submit a complaint online](#) from the agency's website at <http://www.in.gov/idem/5274.htm>; print and mail an IDEM Complaint Form from the agency's website at <http://www.in.gov/idem/5274.htm>; or call the IDEM Complaint Coordinator at (800) 451-6027 ext. 24464.

Visit IDEM's [Web page for complaints](#) to learn more.

Find a Person at IDEM

Use [IN.Gov's searchable database](#) to find e-mail addresses and phone numbers IDEM employees.

Find IDEM's Offices

Following is information for IDEM's office locations. All IDEM offices are open Monday-Friday, 8:15 a.m. to 4:45 p.m., except on scheduled holidays.

Office	Address	Phone Number	Fax Number	Areas Served
Indianapolis – Main Office	Indiana Government Center North 100 N. Senate Ave. Room 1301 Indianapolis, IN 46204-2251	(800) 451-6027 <i>(toll free within Indiana)</i> (317) 232-8603	(317) 233-6647	All of Indiana
Indianapolis – Office of Pollution Prevention and Technical Assistance	Indiana Government Center North 100 N. Senate Ave. Room 1225 Indianapolis, IN 46204-2251	(800) 988-7901 <i>(toll free within Indiana)</i> (317) 232-8172	(317) 233-5627	All of Indiana
Indianapolis – Compliance and Technical Assistance Program (environmental regulatory compliance assistance/confidential compliance assistance)	Indiana Government Center North 100 N. Senate Ave. Room 1225 Indianapolis, IN 46204-2251	(800) 988-7901 <i>(toll free within Indiana)</i> (317) 232-8172 (direct)	(317) 233-5627	All of Indiana
Indianapolis – Shadeland Office	Western Select Building 2525 N. Shadeland Ave. Indianapolis, IN 46219-1787	(800) 451-6027 <i>(toll free within Indiana)</i> (317) 308-3173	(317) 308-3116	All of Indiana
Northern Regional Office	IDEM Northern Regional Office 300 N. Michigan Street, Suite 450 South Bend, IN 46601-1295	(800) 753-5519 <i>(toll free within Indiana)</i> (574) 245-4870	(574) 245-4877	DeKalb, Elkhart, Fulton, Kosciusko, LaGrange, Marshall, Noble, St. Joseph, Stark, and Steuben Counties
Northwest Regional Office	Northwest Regional Office 330 W US Highway 30, Suite E & F Valparaiso, IN 46385-5391	(888) 209-8892 <i>(toll free within Indiana)</i> (219) 464-0233	(219) 464-0553	Lake, LaPorte, and Porter Counties

Office	Address	Phone Number	Fax Number	Areas Served
Southeast Regional Office	IDEM Southeast Regional Office 820 West Sweet Street Brownstown, IN 47220-9557	(877) 271-0074 (toll free within Indiana) (812) 358-2027	(812) 358-2058	Bartholomew, Brown, Clark, Crawford, Dearborn, Decatur, Fayette, Floyd, Franklin, Harrison, Jackson, Jefferson, Jennings, Lawrence, Monroe, Ohio, Orange, Perry, Ripley, Scott, Switzerland, Union, and Washington Counties
Southwest Regional Office	IDEM Southwest Regional Office 1120 N. Vincennes Avenue P. O. Box 128 Petersburg, IN 47567-0128	(888) 672-8323 (toll free within Indiana) (812) 380-2305	(812) 380-2304	Crawford, Daviess, Dubois, Gibson, Knox, Martin, Orange, Perry, Pike, Posey, Spencer, Vanderburgh and Warrick Counties

List of Topics and Government Agency Resources

Many public health and environmental issues are addressed by IDEM; however, there are many environmental issues that other agencies are responsible for addressing. For example, U.S. EPA, state and local health officials may provide assistance on indoor air quality issues; the Indiana Department of Natural Resources has authority over oil and gas activities and flood plain issues; the Indiana Office of State Chemist works to oversee activities related to the application of pesticides, herbicides and fertilizers; state and local law address problems with litter. On issues outside of its jurisdiction, IDEM works to direct businesses and citizens to the proper agencies for assistance. Following is a list of public health and environmental issues and the agencies that have authority to address them.

Above ground storage tanks – [Indiana Department of Homeland Security](#) Fire and Building Safety / Services

Asbestos

- Abatement, removal, demolition - [IDEM Office of Air Quality, asbestos program](#)
- Proper disposal - [IDEM Asbestos Waste Handling Requirements](#)

Animal operations that are not regulated by IDEM – [Local county health departments](#), [State Board of Animal Health](#)

Arsenic (In drinking water) – [IDEM Office of Water Quality, Ground Water Section](#)

Auto salvage operations - [IDEM's Auto Salvage Program](#)

Blasting, mining, gravel pits

- Fugitive dust – [IDEM Air Compliance and Enforcement Branch](#)
- Mine blasting- the [Indiana Department of Natural Resources Division of Reclamation](#)
- Non-coal mining - [Indiana Department of Homeland Security website for regulated explosives](#)

Biosolids, land application – [IDEM Permit Guide, Land Application section](#)

Business locations

- Location selection – Local zoning boards
- Unauthorized operation in a residence – [Local county health departments](#)

Car tampering (catalytic converters) – [IDEM Air Compliance and Enforcement Branch](#)

Vehicle emissions testing – [IDEM Vehicle Emissions Testing Program](#)

Clean Air Car Check

Contrails - FAA - http://www.faa.gov/contact/safety_hotline/

Dams – Indiana Department of Natural Resources

Dead animals – [Indiana State Board of Animal Health](#)

Disease, cause and prevention – [Indiana State Department of Health Epidemiology Resource Center](#)

Drainage – local county surveyor, local city/county engineer

Drinking water

- Private well – [Local county health departments](#), Indiana State Department of Health
- Public water supply systems - IDEM Office of Water Quality Drinking Water Branch
- Ground water contamination – IDEM Office of Water Quality Drinking Water Branch,

IDEM Office of Land Quality Remediation Branch

Farms

- Regulated confined feeding operations; animal feeding operations – IDEM Office of Land Quality
- Unregulated confined feeding operations – IDEM Office of Community and Governmental Affairs

Fertilizer use - [Office of Indiana State Chemist](#) (located at Purdue University)

Fluoridation in drinking water – Indiana State Department of Health

Fish contamination – IDEM Office of Water Quality

Flooding – See drainage

Food establishments – [Local county health departments](#), Indiana State Department of Health

Freon – U.S. EPA

Fugitive dust – IDEM Office of Air Quality, Compliance Branch

Grease in sewers - [Local county health departments](#), local MS4 program

Indiana Brownfields Program - [Indiana Finance Authority's Indiana Brownfields Program](#)

Indoor Air Quality –

- [Indiana State Department of Health indoor air quality information website](#)
- [Local county health departments](#)
- U.S. EPA

Infectious waste

- Final disposal – IDEM Solid Waste Compliance
- Indiana State Department of Health - management of infectious waste at medical institutions

Land contamination – [IDEM Environmental Cleanup Web page](#)

Landfills - [IDEM Office of Land Quality Solid Waste Group Web page](#)

Lead

- Prevention - [Indiana State Department of Health Lead and Healthy Homes Program](#)
- Lead in ambient air - [IDEM Office of Air Quality Web page on Criteria Pollutants](#)
- Lead in drinking water - [IDEM Drinking Water Compliance Evaluation Web page](#)
- Lead in ground water – [IDEM Statewide Ground Water Monitoring Network](#)
- Lead in surface water – [IDEM Integrated Water Monitoring and Assessment Report](#)

Leaky loads - contact local law enforcement for the city, county or state road where the problem is observed

Manure/Manure land application

- Confined Feeding Operations – [IDEM Confined Feeding Operations Compliance Section](#)
- Fertilizer use - [Office of Indiana State Chemist](#) (located at Purdue University)
- Health impacts – [Local county health departments](#), Indiana State Department of Health,

[State Board of Animal Health](#)

- Leaky loads - contact local law enforcement for the city, county or state road where the problem is observed

- **Release/spill to a waterway - [IDEM 24-hour emergency spill line at 1-888-233-7745 \(in the United States\) or 1-317-233-7745 \(outside of the U.S.\)](#)**

Mercury –

- [Indiana State Department of Health fact sheet on mercury](#)
- Spills - **[IDEM 24-hour emergency spill line at 1-888-233-7745 \(in the United States\) or 1-317-233-7745 \(outside of the U.S.\)](#)**
- [U.S. EPA Region 5 Mercury Web page](#)

Meth Labs

- Call the *Indiana State Police Tip Line - (800) 453-4756* to report suspected meth activity or use the [Indiana State Police online form](#)

- Indiana Methamphetamine Investigation System: [Indiana State Police](#)
- Qualified inspectors: Visit the IDEM website about the [Inspection and Cleanup of Illegal](#)

[Drug Labs](#)

Mold – [Local health departments](#); [Indiana State Department of Health Indoor and Radiologic Health](#)

Mosquitoes – [Indiana State Department of Health Web page for Mosquito-borne diseases](#); [Local county health departments](#)

Noise – Local law enforcement

Odor

- Landfills and composting facilities – [IDEM’s Solid Waste Compliance Section](#)
- Nuisance odors (source identified) - [Local county health departments](#)
- Unusual/strong odors (unidentified source) - **[IDEM 24-hour emergency spill line at 1-888-233-7745 \(in the United States\) or 1-317-233-7745 \(outside of the U.S.\)](#)**

Open Dumps

- Smaller than ½ an acre - [Local county health departments](#)
- Larger than ½ an acre - [IDEM Solid Waste Compliance Section](#)

Outdoor Hydronic Heaters (Wood Boilers) – [IDEM Air Compliance and Enforcement Branch](#)

Pesticides – [Office of Indiana State Chemist](#) (located at Purdue University)

Petroleum

- **Spills –[IDEM 24-hour emergency spill line at 1-888-233-7745 \(in the United States\) or 1-317-233-7745 \(outside of the U.S.\)](#)**

- Water in gas tanks - [Indiana State Department of Health, Division of Weights, Measures and Metrology](#)
- Leaking tanks - [IDEM Underground Storage Tank Program](#)

Pipeline safety – [Indiana Utility Regulatory Commission Pipeline Safety Division](#)

Poaching – [IDNR, Turn in a Poacher](#) (e-mail: icodispatch@dnr.in.gov)

Pollution complaints - [IDEM's Complaint Coordinator](#) (toll free, 800-451-6027, ext. 24464)

Publicly owned lands - [Indiana Department of Natural Resources](#)

Qualified Inspectors (Illegal Drug Labs) - IDEM's website on the [Inspection and Cleanup of Illegal Drug Labs](#)

Radiation and Indoor Air Quality – [Indiana State Department of Health Indoor and Radiologic Health program](#)

Radioactive material, transport and shipment - [Indiana Department of Homeland Security](#)

Radon – [Indiana State Department of Health Indoor and Radiologic Health program](#); [U.S. EPA](#)

Rats – [Local county health departments](#)

Septic

- Commercial – [IDEM Wastewater Compliance Evaluation](#)
- Residential – [Indiana State Department of Health Onsite Sewage Systems Program](#)

Soil conservation – Visit IDEM's Web page: [What Others Are Doing About Nonpoint Source Pollution](#)

Soil erosion- see erosion

Spills to a waterway – **IDEM 24-hour emergency spill line at 1-888-233-7745 (in the United States) or 1-317-233-7745 (outside of the U.S.)**

Storage Tanks

- **Emergency releases and spills** - **IDEM 24-hour emergency spill line at 1-888-233-7745 (in the United States) or 1-317-233-7745 (outside of the U.S.)**

- Regulations for above ground tanks - [Indiana Department of Homeland Security Fire and Building Safety / Services](#)

- Regulation of underground petroleum storage tanks – [IDEM Underground Storage Tank program](#)

Storm Water - [IDEM Storm Water Program Permits Staff Web page](#)

Streams, rivers and wetlands

- Dredging, filling, construction projects, altering flow - [IDEM Office of Water Quality Wetlands, Lakes and Streams website](#)

- Diverting or drawing water - [Indiana Department of Natural Resources Water Rights and Use Section](#);

Also see Wetlands, below

Waste tires – [IDEM Waste Tire Management Web page](#)

Trucks

- Septage haulers, land application activities - [IDEM Solid Waste Compliance Section](#)
- Leaky loads - contact local law enforcement for the city, county or state road where the problem is observed

Underground storage tanks – [IDEM Underground Storage Tank program](#)

Unsafe working conditions – [Indiana Occupational Safety and Health Administration \(IOSHA\) Web page](#)

Wastewater

- Wastewater treatment plants; sewer systems; direct pipes [illegal] - [IDEM Wastewater Compliance Evaluation](#)
- Residential septic systems; direct pipes [illegal] - [Indiana State Department of Health Onsite Sewage Systems Program](#); [Local county health departments](#)
- Water Volume Usage** - [Indiana Department of Natural Resources Water Rights and Use Section Wells](#)
- Complaints about contaminated well water - [IDEM Source Water Protection–Drinking Water Web page](#)
- [IDEM Institutional Controls Registry](#)
- Public water supply systems - [IDEM Search for Public Water Supply Information Web page](#)
- Residential wells - [Indiana State Department of Health’s Water Supply Information Web page](#); [Local county health departments](#)
- Wetlands** – IDEM Office of Water Quality [Wetlands, Lakes and Streams](#) website
- Wildlife Rehabilitation** – [Indiana Department of Natural Resources Wildlife Rehabilitation Web page](#)
- Wind Turbines** – [Indiana Office of Energy Development](#)
- Workplace Safety** – [Indiana Occupational Safety and Health Administration](#)
- Zoning** – Local planning commissions

More Links

Following are links for finding data, documents, events, and pending and final permits and rules.

[Air permits search](#): Searchable database of air permit filings with the Indiana Department of Environmental Management’s Office of Air Quality.

[Blue-green algae](#): Website providing information about blue-green algae in Indiana lakes.

[Enforcement database](#): Searchable database of IDEM formal enforcement actions and orders.

[Environmental education](#): Information on IDEM’s program to work with schools, educators and students for the enhancement of environmental education in Indiana.

[Hoosier Riverwatch](#): Indiana’s volunteer water quality monitoring program.

[IDEM Community Environmental Health](#) – education for parents, schools and children on ways to reduce children’s exposure to environmental hazards

[IDEM Compliance and Technical Assistance Program \(CTAP\)](#) – one-stop shop for technical and confidential environmental regulatory compliance needs.

[Illegal Drug Lab Cleanups](#) - Information about illegal drug lab cleanups, including Qualified Inspectors list.

[IN.gov Calendar](#): Calendar of events planned state government agencies, including IDEM

[Indiana Public Libraries](#): Library locations.

[IDEM Institutional Controls Registry](#) – Registry of sites with institutional controls.

[Maps and Geographic Information System Applications](#): Links to informational maps, mapping applications, and map services.

[Operator Certification and Continuing Education, wastewater](#): Information for wastewater operators.

[Operator Certification and Continuing Education, drinking water](#): Information for drinking water operators.

[Operator training, underground storage tanks](#): Information for underground storage tank owners and operators

[Public notices](#): Listing of public notices about comment periods, meetings and hearings on permits and rulemakings.

[Real-time air monitoring](#): Map offering current air quality data at monitoring locations in Indiana.

[Recycle Indiana](#): Information for recycling in Indiana, including a listing of local solid waste management districts.

[Regional District Users Guide](#): Information to help citizens understand and participate in the process of forming a new regional district.

[Regulations.gov](#): Website provides mechanism for public to submit comments on proposed federal regulations for [several agencies](#) and access to U.S. federal government rules, comments, adjudications and supporting documents.

[Rules](#): Listing of actions on environmental rules, an archive of recently completed rules, and information on the activities of the Environmental Rules Board and the Underground Storage Tank Financial Assurance Board.

[Safe Drinking Water Information Search](#): Searchable database of public water supply systems serving Indiana communities

[Toxics Release Inventory](#): Information about requirements for manufacturing to submit reports to U.S. EPA on toxic chemicals being used, stored or released to the environment through a permitted activity or accidental incident. The public can also learn about manufacturing facilities in their community by visiting [U.S. EPA's TRI website](#).

[Virtual File Cabinet](#): Access to IDEM public records and contact information for the IDEM Public Records Office.

[Watersheds and Nonpoint Source Water Pollution](#): Information on funding opportunities, volunteer resources, water quality studies, and guidance to help communities, groups and citizens improve Indiana watersheds.



If you have questions or comments about the Citizens Guide to IDEM, please contact IDEM's Office of Media Relations at (800) 451-6027, ext 3-4927, or (317) 233-4927.